

Review of the Irish Penalty Point System and Comparison with International Systems.

Department of Transport, Tourism and Sport

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1. INTRODUCTION

1.1 OBJECTIVE

Review of the Irish Penalty point system and comparison to international systems.

1.2 HISTORY OF THE SYSTEM

The penalty points system for certain driving offences was introduced in Ireland on 31 October 2002. The offences selected for inclusion in the system all relate either directly or indirectly to road safety and the principal focus of the system is to influence and improve driver behaviour in Ireland and reduce the levels of death and serious injury on our roads. The system was extended to insurance, seat belt wearing and careless driving offences in 2003 and 2004. In early April 2006, the system was extended to a total of 37 offences. While some penalty point offences can only be dealt with by the Courts, the introduction of the fixed-charge system (to replace the old 'fines-on-the-spot' system) provided for an administrative alternative of having the offence heard by a Court. A lesser number of points is endorsed on payment of the fixed charge amount. The Fixed Charge System applies to a range of non-penalty point offences as well as penalty-point offences and has been extended to almost 60 offences. From 1 May 2009 five additional traffic offences related to NCT and driving dangerously defective vehicles became penalty-point offences. In October 2011 penalty points for one of the drink driving offences was introduced for the first time. The total number of road-traffic offences attracting penalty points is now 43. The legislation governing penalty points is set out in the Road Traffic Act 2002 (as amended).

Penalty point systems operate in a number of other countries, including Australia, Denmark, England and Germany. International experience has shown that penalty points reduce the number of road deaths.

The latest RSA Road Collision Facts Publication available is for the year 2009. This review is primarily based on data for the year 2009.

1.3 THE FINANCIAL COST OF COLLISIONS.

In 2004 the economic consultants Goodbody produced a report on the financial cost of collisions in Ireland. When updated to 2009 levels the findings of that study were that each fatality on Irish roads had a financial impact of €2.5m (totaling €562m) and each serious injury cost €341k (totaling €158m). These figures when included with the material damage caused brings the overall estimated cost of collisions in 2009 alone to €974m, (RSA Factsheet 2009). In addition to the human cost of collisions there is a considerable financial aspect to consider.

Figure 1 – All Penalty Point offences - enforcements on record as of December 2009. (Note that after 3 years points are removed from the system).

Points 2006-2009	
Speeding	
Driving a vehicle while holding a mobile phone	
No safety belt - driver	
Fail to obey traffic lights	
Fail to comply with prohibitory traffic signs	
Cross continuous white line/broken white line	
Driving without reasonable consideration	
Entry to hatched marked area	
Offence relating to Overtaking	
Careless Driving	
Fail to comply with traffic lane markings	
Exceed road works speed limit	
No safety belt rear seat - child	
No child restraint rear seat - child	
Fail to comply with No Entry traffic sign	
Fail to comply with mandatory traffic signs	
Drive on hardshoulder/non carriageway - motorway	
Fail to stop before stop sign/stop line	
No safety belt front seat - child	
Driving along/across median strip	
No child restraint front seat - child	
Fail to drive on the left hand side	
No insurance - (not)	
Fail to yield right of way	
Breach of motorway outside lane driving rule	
Fail to yield right of way at sign/line	
Fail to stop for Garda	
Driving on/across footway	
Fail to turn left onto a roundabout	
Fail to comply with Keep to Right/Left signs	
Contravention of requirements at junctions	
General speed obligation - stop visible distance	
Driving on/across cycle track	
Contravention of requirements for reversing	
Breach of duties in occurrence of an accident	
Dangerous Driving Reflected to Carew, Driving	
Fail to stop for school warden sign	
Fail to act in accordance with Garda signal	
Drive against flow of traffic (motorway)	
Fail to obey rules at railway level crossing	
Use vehicle without PCT certificate	
Reduced to Driving without reasonable consideration	
Parking a vehicle in a dangerous position	
No right of road vehicles user	
Driving dangerous defective vehicle	
Driving a vehicle where unfit	

Points 2006-2009



Figure 2 – Penalty Point offences with less than 1000 enforcements - record as of December 2009. (Note that after 3 years points are removed from the system).

2. KEY CAUSES OF FATAL ROAD COLLISIONS AND PENALTY POINT OFFENCES.

2.1 COLLISION TYPES & REASONS FOR COLLISIONS

The following body of text summarises the primary collision types and the main causes of fatalities on Irish roads. The intent is to identify the primary collision types and the causes of same and then later to attribute these to the existing and proposed penalty point system in Ireland. This exercise will highlight if the penalty point system is aligning with the primary factors that affect collisions or fatalities and where improvements to the system can be made or if they are necessary.

In 2009 the facts relating to road traffic collisions recorded by An Garda Siochana were as follows:

- In total there were 26,495 collisions
- There were 238 fatalities
- There were 9,742 injuries including 640 serious injuries
- There were 220 fatal collisions

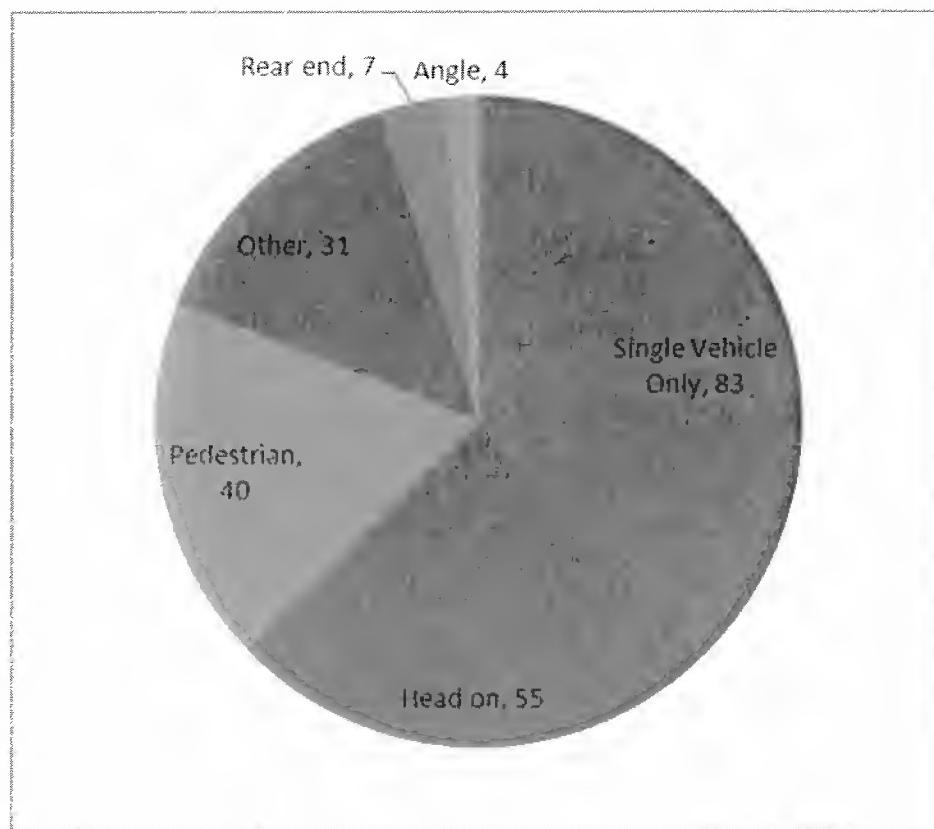


Figure 3 - The breakdown of the 220 fatal collision types.

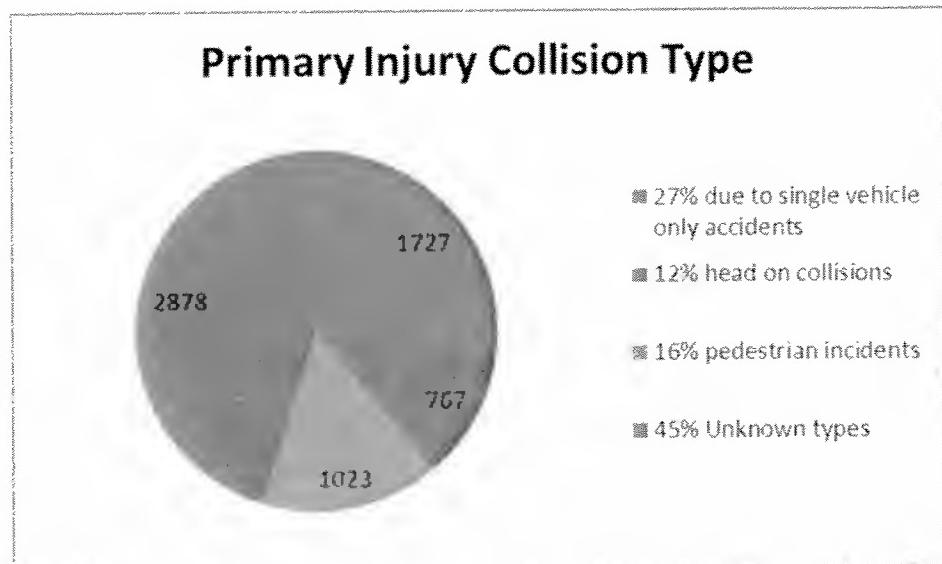


Figure 4 - Breakdown of the 6,395 injury collision types.

2.1.1 Single Vehicle Collisions

Single vehicle only collisions were by far the most common type of fatal collision at 38%. 83 out of 220 fatal collisions were single vehicles. The impacts in these cases being with stationary objects such as walls (23), ditches (22), unknown (21), trees (10), poles (5) and remaining bollards. Of the 9742 injuries single vehicle collisions accounted for 2630 or 27%. These types of collisions are likely associated with **speed, fatigue and/or alcohol/drug consumption**, (RSA Factsheet 2009).

2.1.2 Head on Collisions including 2 Vehicle Only Collisions

The next most prevalent type of fatal collision was the head on collision accounting for 55 of the 220 fatal collisions or 25% of the total. This type of collision totalled 1169 injuries or 27% of the injury total. In two vehicle only collisions the primary causes in 32 of these can be seen in figure 5.

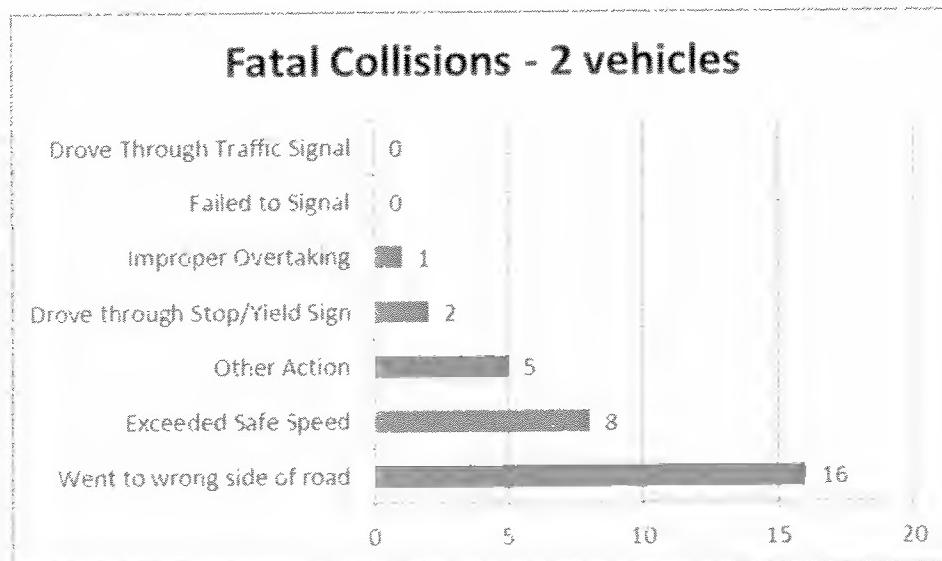


Figure 5 – 32 nr. Fatal collisions where causes were attributed.

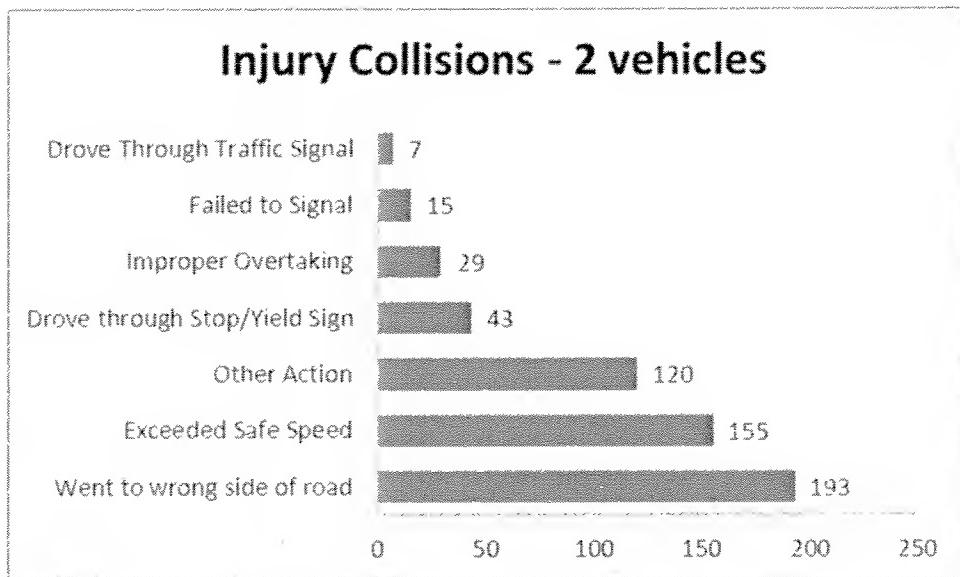


Figure 6 – 2 vehicle injury collision causes.

Of the 55 head on fatal collisions, 32 incidents have had contributory factors allocated. Driving on the **wrong side of road** resulted in 16 fatal collisions and 193 injuries while **exceeding the speed limit** resulted in 8 fatal collisions and 155 injuries. The remaining contributory factors were **other action, drove through stop/yield sign, improper overtaking, failed to signal, drove through traffic signal**.

2.1.3 Other Collision Types

18% of fatal collisions involved **pedestrian collisions**. 14% of fatal collisions (31 number) have unknown causes, 3% were rear end collisions and 2% were angular collisions.

It should be noted that, in 92% of fatal road collisions the Garda Siochana reports state that **driver error** is the main contributory factor with Pedestrian error at 5% and road factors following at 3%, this is not specific enough for the purposes of this report but shows that influencing driver behaviour is vital in reducing collisions. The fatal collisions that were caused by driver error and attributed to specific action can be seen in figure 7.



Figure 7 – Fatal collisions caused by driver error.

2.1.4 Times of collisions

Statistics show that 34% of all fatal collisions occur between the hours of **9pm and 6am**. The collision numbers in this 9 hour period are not proportionate due to the reduced numbers travelling during this time, e.g. the N81 south of Tullow; from NRA traffic data only 2% of the weekly vehicle movements occur during the hours of 9pm and 6am. **Sunday & Monday** were the most dangerous days of the week with 40% of the total fatalities.

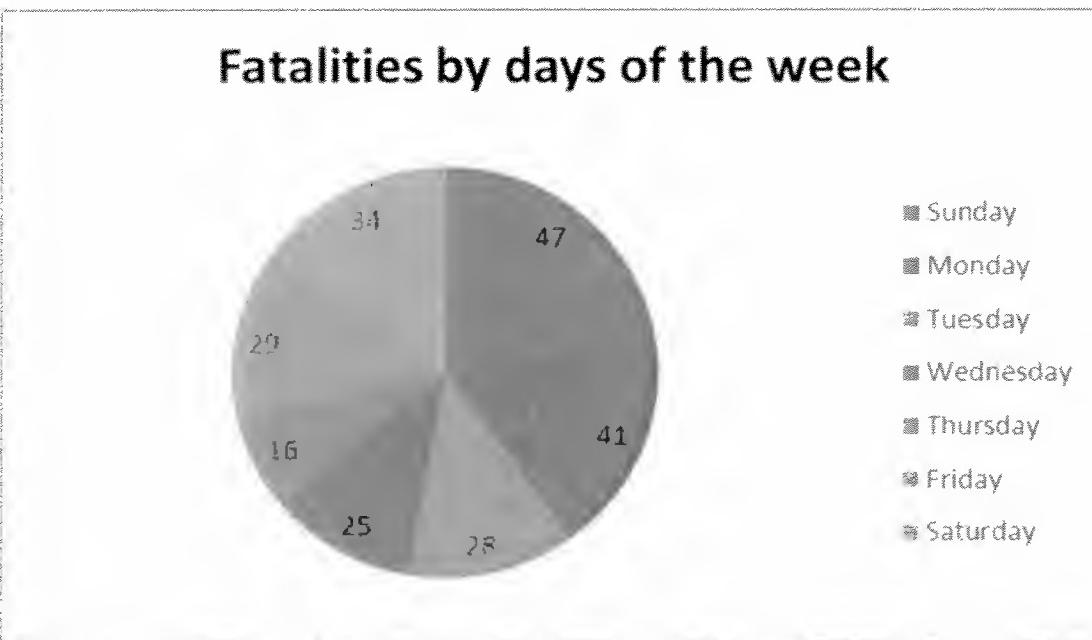


Figure 8 – Fatal collisions numbers by day of the week.

2.2 CONTRIBUTORY FACTORS FOR FATALITIES IN COLLISIONS

In addition to the cause of the collision itself there are factors that contribute to the severity of the collision that is occurring. The following section sets out these factors.

2.2.1 Seat belts.

20% of all car drivers and 10% of all front passengers killed were **not wearing seat belts**. Not wearing seat belts contributed to 23 of the fatal collisions in 2009.

In 2009, the Road Safety Authority conducted a national seatbelt observational survey on Irish roads; 89% was the overall seatbelt wearing rate for adults with the rear seatbelt wearing rate at 79%.

2.2.2 Speed

In two vehicle only fatal collisions speed was the second highest factor in fatal collisions of this type.

2.2.3 Road user type in collisions

Pedestrians, motor cyclists, and pedal cyclists accounted for 40, 25 and 7 number fatalities in 2009. These 3 categories of road user account for 30% of the 238 fatalities of 2009. Motor cyclists make up a disproportionate number of deaths with 11% of all fatalities but are only circa 2% of road users.

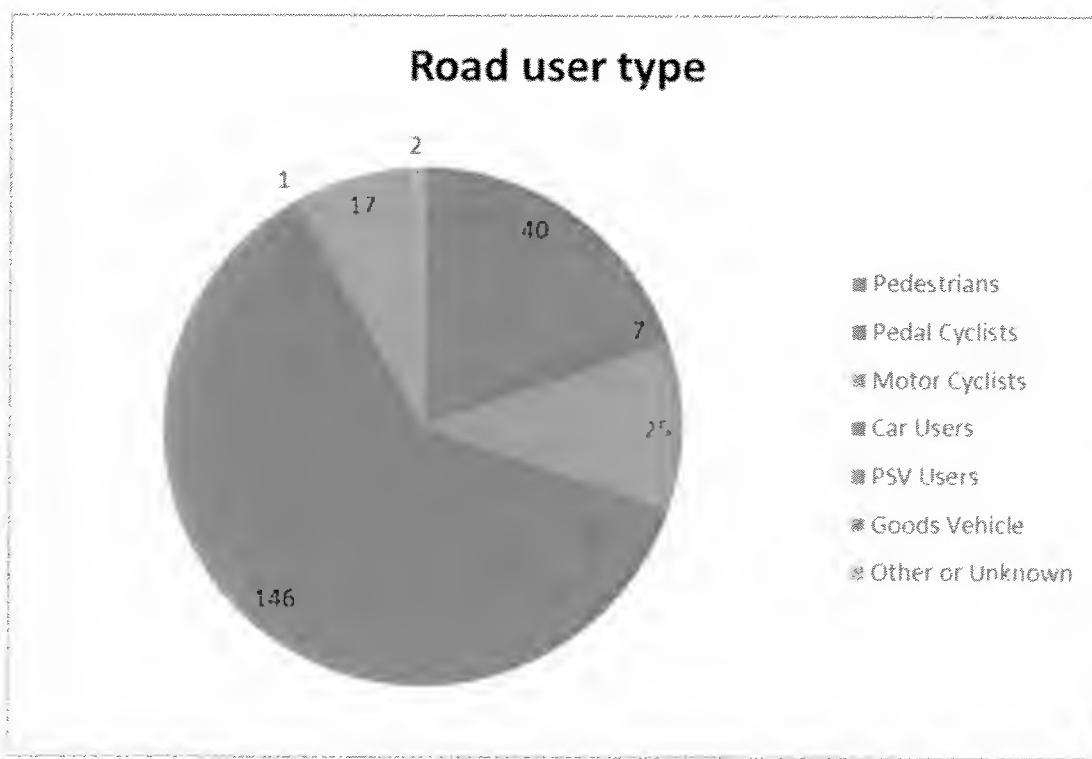


Figure 9 – Fatalities by road user type.

2.2.4 Type of Collision.

Four out of 5 fatal collisions were single vehicle, head-on collision or pedestrian collisions. This indicates that single vehicle, head-on conflict or pedestrian collision types are, on average, more severe than angle, rear-end or 'other' road collision types.

2.2.5 Location of Collision.

198 or 82% of all fatal collisions occurred on 2 way single carriageways. The next largest category of fatal collision location was not known at 8% with 1 way single carriageway at 4%, Dual carriageway & motor way at 4%.



Figure 10

3. PENALTY POINT OFFENCES V THE PRIMARY CAUSES OF COLLISIONS

3.1 OFFENCES THAT RELATE TO PRIMARY CAUSES OF COLLISIONS.

It is clear from section 2.1 that the primary fatal collision types & factors affecting both the numbers and likelihood of fatalities following the incidents are as follows:

Primary fatal collision types & contributory factors

- Single vehicle
 - speed
 - fatigue
 - alcohol/drug consumption
- Two vehicle & head on
 - wrong side of road
 - exceeding the speed limit
 - drove through stop/yield sign,
 - improper overtaking,
- Pedestrian

Primary factors affecting both the numbers and likelihood of fatalities

- Not wearing seat belts
- Speed
- Road user type i.e. motor cyclist or pedestrian
- Location of collision

The Penalty point offences that relate to the above will be examined in this section. Table 1 aligns the existing penalty point system and causes of fatal collisions.

IRISH SYSTEM						RISK FACTORS	
	Offences incuring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Nr of fatal collisions	Road type	Collision type
3	Using vehicle (car) without test certificate	m*	5	Court fine			
2	Driving vehicle before rendering dangerous defect	m*	3	Court fine			
3	Driving dangerously defective vehicle	m*	5	Court fine			
4	Using vehicle without certificate of roadworthiness	m*	5	Court fine			
5	Hedge strikes, etc.	m*	3	Court fine			
6	Holding a mobile phone while driving	2	4	60			
7.	Obstructing cycling	1	3	60			
8	Failure to act in accordance with a traffic signal	1	3	80			
9.	Failure to stop a vehicle before the junction/stop line	2	4	60			
10.	Failure to yield right of way at a priority junction	2	4	80			
11.	Exceeding speed limit while driving	1	4	60			
12.	Entry by driver into hatched marked area of roadway	1	3	80			
13.	Failure to obey traffic lights	2	5	60			
14	Failure to obey traffic rules at railway level crossing	2	5	80			
15.	Driving a vehicle on a roadway against the flow of traffic	2	4	80			
16.	Driving on the hard shoulder on a motorway	1	3	80			
17.	Driving a HSV (subject to an ordinary speed limit of 80 kms per hour or less) on the outside lane on a motorway or dual carriageway	1	3	80			
18.	Failure to drive on the left hand side of the road	1	3	60			
19.	Failure to obey requirements at junctions, e.g. Not being in the correct lane when turning onto another road	1	3	60			
20.	Failure to obey requirements, regarding reversing of vehicles, e.g. Reversing from minor road onto main road	1	3	60			
21.	Driving on a footpath	1	3	60			
22.	Driving on a cycle track	1	3	60			
23.	Failure to turn left when entering a roundabout	1	3	60			
24.	Driving on a median strip, e.g. Boundary between two carriageways	1	3	60			
Traffic-light controlled junctions & drivethru junctions USA 2009 facts Table 45 Fines and Injury collisions at intersections classified by Limited Type							
(continued on next page)							

Table 1 – Penalty Point Offences & Collision causes in 2009 – (highlighted offences relate to collisions, continued on next page).

IRISH SYSTEM						RISK FACTORS		
	Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Nr of fatal collisions	Road type	Collision type	
35 Failure to stop for school warden sign	1	4	80					
36 Failure to stop when so required by a member of the Garda Siochana	2	5	80					
27 Failure to leave an adequate distance between you and the vehicle in front	2	4	80					
28 Failure to yield	2	4	80					
29 Driving without reasonable consideration	2	4	80					
30 Failure to comply with mandatory traffic lights at junctions	1	3	60					
31 Failure to comply with prohibitory traffic signs	1	3	60					
32 Failure to comply with keep left/keep right signs	1	3	60					
33 Failure to comply with traffic lane markings	1	3	60					
34 Illegal entry onto a one-way street	1	3	60					
35 Driving a vehicle when unfit	m*	3	Court Fine	27				
36 Parking a vehicle in a dangerous position	m*	5	Court Fine					
37 Breach of duties at an accident	m*	5	Court Fine					
38 Speeding	2	4	80	14	Two single carriageway 150 m collisions or 90% of fatal collision locations - table 46 p41	Hand on collision - Fenced Lane speed 25% of 55 m/s RSA 2009 / 4x2 p10 fig 5		
39 Driving without insurance	m*	5	Court Fine	23	Two single carriageway 150 m collisions or 90% of fatal collision locations - table 46 p41	Single vehicle B3mR - 4/3 attributed to Speed, Fatigue, Alcohol/Drugs		
40 Failure by Driver to comply with front seat belt requirements	2	4	60					
41 Failure by Driver to comply with rear seat belt requirements for passengers under 17 years	2	4	60					
42 Driver found to be driving carelessly	m*	5	Court Fine					
43 Drink Driving - Driving or Being	3		200	27	Two single carriageway 150 m collisions or 90% of fatal collision locations - table 46 p41	Single vehicle B3mR - 1/3 attributed to Speed, Fatigue, Alcohol/Drugs		
44 Drink Driving - 50mg to 80mg (6 month suspension)		12	400					
None/Specified driver - 20mg to 80mg (3 month suspension)		12	200					

Table 1 continued – Penalty Point Offences & Collision causes in 2009, (highlighted offences relate to collisions).

3.2 ENFORCEMENT & PENALTY LEVELS OF OFFENCES RELATING TO COLLISION CAUSES.

In order to influence driver behaviour and awareness, the Penalty Point System should be targeted at the collision types that are occurring. The system should be directed at contributory factors to fatalities/injuries that can be affected by Penalty point systems such as not wearing seat belts.

The systems in England & Wales, Northern Ireland, Victoria (Australia), Scotland, Austria, Denmark, Spain, France, Ontario (Canada) and New Zealand have been examined in order to compare the levels of Irish penalties with those internationally. This comparison will be referred to from time to time in the following text. A more detailed analysis of international Penalty Point Systems is contained in section 4.

Experience in Ireland and abroad with enforcement of penalty point systems is that upon the introduction of offences there is a corresponding drop in occurrences of same. This can be attributed to a heightened awareness of the penalty most likely due to the publicity campaigns that accompany new or adjusted systems together with the increased concern of being caught. Following on from the introductory effect, there tends to be a gradual decrease in effectiveness of the offence with collision rates creeping back over time. It is for this reason that where penalties for offences are recommended as being increased this should be implemented on a phased basis to take full advantage of the introductory effect.

3.2.1 Single Vehicle Collisions

There were 83 fatalities and 1,697 injuries involving single vehicles in 2009. The Penalty Point Offences and severity of these should be geared toward influencing single vehicle collisions specifically targeting speed, fatigue and alcohol/drug driving as being the primary causes.

3.2.1.1 Speed

There are currently 2 points initially or 4 points upon conviction for speeding in Ireland. In December 2009 the number of offences of this type on record was 392,374. (Note that: unless otherwise stated numbers in this document exclude those incidences where points could not be attributed due to there being no licence number, (possible foreign licences) and also that the points on record are those that are current at that time; penalties are removed from the records after three years.) From the introduction of Speeding as a penalty point offence in 2002 there have been 1.2m incidences of this offence.

This is by far the greatest offence type with the next nearest being holding a mobile phone at 71,209. Speeding accounted for almost 66% of the 592,060 offences committed on record up to the end of 2009. Given these figures it appears that the current situation is not a strong enough deterrent to dissuade this type of behaviour.

It is important to note that where speed is listed as a contributory factor it may not necessarily be that the speed limit of the road was exceeded merely that the safe speed to travel on that road was surpassed. It has been suggested that many of the national and regional roads in Ireland have speed limits that those roads were not designed for and that it is common to come across an 80 km/h sign on a boreen where it is

clearly impossible to travel at that speed. A contrast to the Irish situation is that in Sweden where the vision zero* system for road safety takes into consideration the biomechanical tolerance of human beings.

In 2009 Sweden had the second lowest fatality rate per million inhabitants in the 32 countries surveyed by the International Traffic Safety Data & Analysis Group (IRTAD, OECD). In New Zealand it is common to see a curve warning sign that gives the recommended comfortable speed at which to drive around the corner.

Speed recommendations

The Penalty for this offence is 2 points initially and 4 points upon conviction. This is lower than the average penalty in the comparison countries. (In section 4.2.3 it is recommended that to bring this offence in sync with Northern Ireland the penalty be increased to 3 points).

From an overall road safety perspective the speed limits on Irish roads should be revised to account for the geometry and specific conditions of the road. It is understood that the volume of work involved is significant but this should begin on a phased basis starting with the national roads. A review of national speed limits, involving all stakeholders, began in February 2012.

3.2.1.2 Fatigue

There is no specific offence relating to fatigue under road traffic legislation at present.

The RSA have carried out an information campaign on the effects of fatigue while driving and in conjunction with the Health and Safety Authority (HSA) have produced a safe driving for work booklet. In this booklet the HSA highlight the fact, that under Health and Safety Law, employers and directors of companies have a Duty of Care to their employees. The HSA state that employers must provide a Safe System of Work for their employees and that activities such as driving for work should be risk assessed.

The RSA have been given advice from Professor Jim Horne (Head of Sleep Research at Loughborough University, UK) that up to 1 in 5 driver deaths may have fatigue as a contributory factor.

**Vision Zero promotes a road system where crash energy cannot exceed human tolerance. While it is accepted that crashes in the transport system occur due to human error, Vision Zero requires no crash should be more severe than the tolerance of humans. The blame for fatalities in the road system is assigned to the failure of the road system rather than the road user (Wadhwa, 2001).*

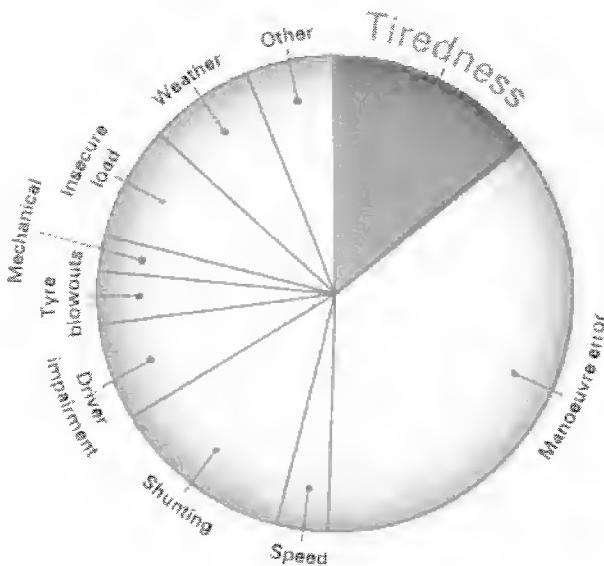


Figure 11 from the RSA Driver Tiredness, The Facts.

Currently, for drivers of vehicles other than HGVs, there are no fixed rules governing the maximum time travelled without a rest stop. An avenue that could be explored to reduce the likelihood of fatigue being a factor is for focusing on drivers of vehicles who are travelling for the purposes of work. Although it is acknowledged that there are many personal factors affecting a person's state of fatigue and the difficulties in enforcement that this presents.

Of the 1,187km motorway network in Ireland there are 5 On-Line Service Areas, on average, one every 237 kms. In contrast the Danish motorway network has service areas at intervals of about 50 km and the Italian motorway system has services approximately every 16kms.

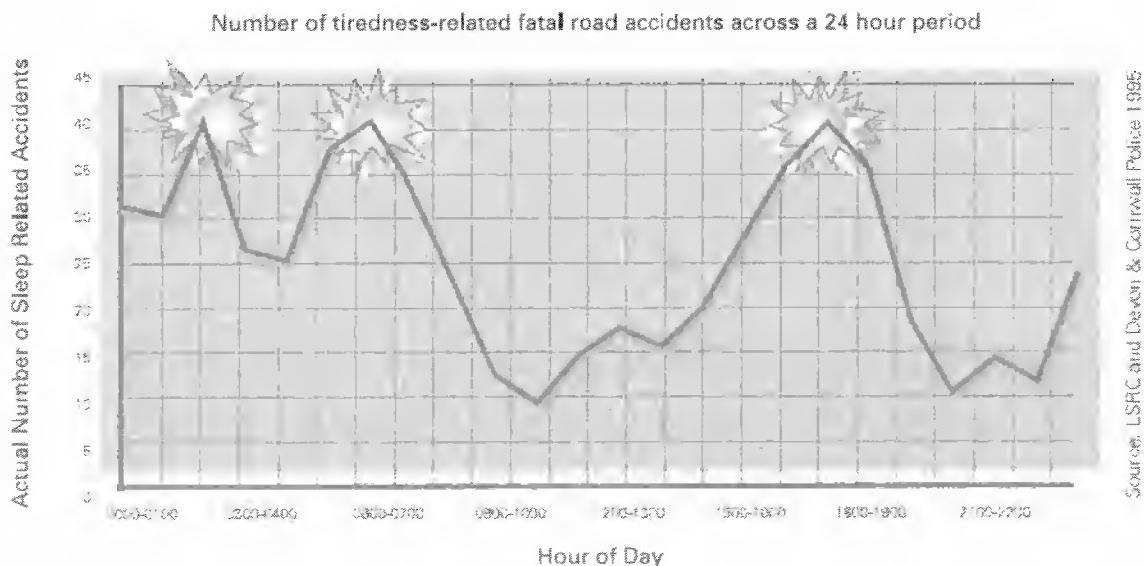


Figure 12 - Graph above taken from the RSA's factsheet on tiredness indicates possible tiredness related fatal road collisions.

Fatigue recommendations

The RSA attribute 84 fatal collisions in 2009 to speed, fatigue and/or alcohol/drug consumption. A further breakdown of this is not available but given the magnitude of fatalities it is worth considering fatigue as a specific offence or another form of regulation. It is understood that proving & prosecuting such an offence in the absence of direct evidence such as a tachograph would be most difficult. However there are offences where Gardaí are enforcing penalty points based on observation of driver behaviour (careless driving offence) and perhaps this could be explored in the future.

In addition to the consideration of a Penalty Point offence, the frequency and scale of serviced rest stop areas on the Irish motorway network should be reviewed. It may not be necessary to construct sophisticated facilities as have been built in the past; the feasibility of providing privately financed more compact and less expensive facilities on the network should be investigated. It is acknowledged that only 4% of fatal collisions occurred on the motorway network in 2009 but the potential for a serious collision relating to fatigue remains.

The Health and Safety Authority & the RSA have further work to promote their Safe Driving at Work Guideline and the HSA requirement for every company to provide a Safe System of Work that includes driving.

3.2.1.3 Drink/drug driving

Alcohol is estimated to be a contributory factor in 1 in 3 fatal collisions. In 2002 the Penalty Point System was introduced without the offence of drink driving. The penalty for this offence was a court appearance. In October 2011, the Drink Driving offence was revised. In conjunction with a reduction in legal blood alcohol levels, Drink Driving became an offence for which penalty points could be awarded in certain situations. The limit was dropped from 80 milligrams (mg) to 50 milligrams (mg) for all drivers and from 80 milligrams (mg) to 20 milligrams (mg) for learner, newly qualified drivers (for a period of two years after passing the driving test) and professional drivers such as bus, goods vehicle and public service vehicle drivers (PSV). In all cases, if a driver now fails a preliminary breath test at the road side he or she will be arrested and required to provide an evidential breath, blood or urine specimen at a Garda station. A driver or 'person in charge' of a vehicle who exceeds these levels faces a Court imposed fine and/or imprisonment and a consequential disqualification. However, section 29 of the 2010 Act provides for an administrative alternative to going before the Courts in certain drink driving cases, as follows:

Normal Licence holder	50mg-80mg	3 points and €200 fixed penalty
Normal Licence holder	80mg-100mg	6 month disqualification and €400 fixed penalty
Specified Driver	20-80mg	3 month disqualification and €200 fixed penalty

Recommendations

All of the available evidence from research indicates that reducing the legal limit of BAC from the old limit of 0.08 to 0.05 will reduce the risk of being involved in a road traffic collision, and consequently will save lives and prevent serious injuries. RSA 2011.

The drink drive limit was reduced to be in line with European norms. The offence of Drink Driving has been added to the penalty point system. There may be a benefit of the automatic disqualification in that Garda

time in court could be reduced. The continued work of the RSA and Gardaí is required to educate and enforce the revised lower limits.

3.2.2 Two vehicle & head on fatal collisions

In 2009 there were 55 fatal head on collisions. There were 32 two vehicle fatal collisions that had causes attributed to them. Two vehicle and head on collisions accounted for 3,666 injuries. Penalty point offences that relate to head on and other two vehicle fatal collisions are examined below.

3.2.2.1 Wrong side of road

It is recognised that at least 16 fatal and 193 injury collisions are directly related to this contributory factor. Two areas of the current Penalty Point System can be related in some way to the specific contributory action of driving on the wrong side of the road. These are:

Penalty Point Offence	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Record as of Dec 2009 where PTS were not attributed as no licence number	Records in Dec 2009 of offences committed
Crossing continuous white line	2	4	80	3,132	12,234
Failure to drive on the left hand side of the road	1	3	60	107	603

Recommendations

Crossing a continuous white line is the 6th most prevalent penalty point offence with 12,234 instances on record in December 2009. The severity of the current penalty point levels being attributed to these two offences is slightly below the penalties being imposed in similar systems internationally. Considering the number of fatalities attributed to this offence there may be some merit in increasing the penalty for crossing a continuous white line to 3 points and increasing the failure to drive on the left hand side of the road penalty to 2 points.

3.2.2.2 Exceeding the speed limit

In two vehicle fatal collisions speed was a recorded contributory factor in 8 instances in 2009. Speed has been discussed in section 3.2.1.1.

3.2.2.3 Drove through stop/yield sign,

The RSA records show that, in 2009, 2 people were killed in two car collisions with the contributory factor being listed as "Drove though Stop or Yield Sign" and 8 people were killed at intersections controlled by "Stop signs". In at least 120 cases of injury collisions this was a contributory factor. In 2006 three offences were introduced into the system that relate to passing this type of sign.

Penalty Point Offence	Penalty points	Penalty points on conviction	Amount paid in 28 days	Record as of Dec 2009 where PTS were not attributed as no licence number	Records in Dec 2009 of offences committed
Failure to stop a vehicle before stop sign/stop line	2	4	80	241	1,135
Failure to comply with mandatory traffic signs at junctions	1	3	60	154	1,214
Failure to yield right of way at a yield sign/yield line	2	4	80	101	386

Recommendations

None of the above offences rank highly in the number of instances of enforcement, ranking at 16th, 14th and 24th in the list of most frequent offences. The current level of points for passing a stop sign is 2 whereas the average in the international comparison is slightly higher at 3. However, it is recommended that current levels for 2 of the offences are retained but that the points for 'Failure to comply with mandatory traffic signs at junctions' be increased to 2 and 4 points for the sake of consistency.

3.2.2.4 Improper overtaking,

In 2009 there was 1 fatal and 15 injury collisions involving two vehicles with the contributory factor being listed as "Improper Overtaking". Improper overtaking was brought in as an offence in April 2006.

Penalty Point Offence	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Record as of Dec 2009 where PTS were not attributed as no licence number	Records in Dec 2009 of offences committed
Dangerous overtaking	2	5	80	1,175	3,176

Recommendations

Currently there are 2 and 5 points for the offence of dangerous overtaking. This penalty is slightly below the average when compared to international systems. It is recommended that this be increased to 3 points.

3.2.3 Pedestrian Fatalities

In total 40 pedestrians were killed and 1,075 were injured on Irish roads in 2009. 103 of the injuries were serious in nature. 5 of these fatalities are attributed to Pedestrian error. 10 of the fatalities were pedestrians being hit by goods vehicles with the majority (27) due to cars.

In 2003, coinciding with the introduction of penalty points, the number of pedestrians deaths fell substantially, but since then the trend in the number of pedestrian fatalities has been gradually upward, Road Safety Strategy 2007-2012, Road Safety Authority

Excess vehicle speeds have been identified as a primary contributor to fatalities among vulnerable road users such as pedestrians, RSA, National Pedestrian Safety Action Plan 2010 - 2014

Information is not available on the contributory factors in all pedestrian collisions but it is known speed plays a significant role and also that there were 4 fatal collisions at Pedestrian Crossings. The causes of Pedestrian collisions are likely to be related and influenced by many of the Penalty Point offences. Whilst it is difficult, in the absence of data, to align offences there are obvious areas that can be focused on such as offences like Speeding (covered in 3.2), Alcohol (driver & pedestrian) (also covered in 3.2), and Traffic lights.

Penalty Point Offence	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Record as of Dec 2009 where PTS were not attributed as no licence number	Records in Dec 2009 of offences committed
Failure to obey traffic lights	2	5	80	4,541	22,378

Recommendations

At the moment there are 2 and 5 points for failure to obey traffic lights. The average in the countries used for comparison is 3. It is recommended that the penalty be increased to 3 and 6 points.

3.2.4 Other factors affecting fatalities & Penalty Offences

3.2.4.1 Speed

Speed is a consistent contributory factor in collisions and their severity. Speed is dealt with in section 3.2

3.2.4.2 Seat belts

Two offences for not wearing seat belts came into operation in August 2003. On record as of December 2009 there have been 36,777 offences excluding those incidences where it is not possible to attribute points as there was no licence number. This makes the offence of not wearing a seat belt the third most commonly enforced offence, (this figure increases to 41,604 when other seatbelt offences are included but remains the 3rd most frequent offence).

Penalty Point Offence	Penalty points	Penalty points on	Amount paid in	Record as of Dec 2009 where	Records in Dec 2009
-----------------------	----------------	-------------------	----------------	-----------------------------	---------------------

	on payment	conviction	28 days	PTS were not attributed as no licence number	of offences committed
Failure by Driver to comply with front seat belt requirements	2	4	60	17,596	36,777
Failure by Driver to comply with rear seat belt requirements for passengers under 17 years	2	4	60	1,843	3,167

Recommendations

RSA surveys show a gradual improvement in driver seat belt wearing rates from 55% in 1999 to 88% in 2008 and 90% in 2009. Wearing rates in rear seats in 2009 (79%) have risen marginally since 2008 (78%). There remains to be **10%** of drivers and **21%** of rear passengers who are not obeying the seatbelt requirements and exposing themselves and others travelling with them to risk of injury or death.

It will always be difficult to achieve 100% compliance but given the ease with which this particular offence can be complied with and the complete lack of benefit to the offender in committing the offence it is recommended that the penalty be increased to 6 and 10 points.

3.2.4.3 Mobile phone usage

Hand Held mobile phone by drivers is now the second highest penalty point offence behind speeding and ahead of non use of safety belts. Observational and self reported behaviour surveys show a high usage rate of hand held mobile phones whilst driving in Ireland. The most recent observational study found that over 1 in 20 (6%) drivers were using a hand held phone. The Gardai and the RSA have expressed concern at the continuing increase in the use of mobiles while driving. Changes in mobile phone technology including use for texting, social networking , e mail, internet and phone apps have increased the opportunity and potential to use hand held phones whilst driving. The fixed charge/penalty points, at present, apply only to the use of a hand-held device. For other uses, e.g. texting, the Gardai tend to prosecute on the basis of the driver not being in full control of the vehicle.

Recommendation

It is clear that the current penalty is not a significant deterrent. The points for hand-held mobile phone use should be increased from two to four points. A further examination should also be undertaken into extending the points to other uses of the mobile while driving.

3.2.4.4 Road user type

1 in 3 of the fatalities in 2009 were vulnerable road users. While the offences in the points system cannot be attributed to all these cases it is possible to align some offences against this category, e.g. motorcycle drivers & speed etc. Given the change in approach in that Novice drivers are being treated separately under the Penalty Point System it may be possible to extend this targeted view to other licence holders, i.e. motor bike drivers. In 2009 motor bike drivers accounted for 2% of road traffic but disproportionately 11% of

fatalities. Over the period 1997-2009, 560 motorcyclists have been killed on Irish roads. In 2009 there were 6 deaths of motorcycle drivers in single vehicle collisions alone.

Recommendations.

7% (6), of single vehicle fatal collisions (83 in 2009) involved motorbikes. It is recognised that single vehicle collisions are attributed to speed, fatigue and/or alcohol/drug consumption. There is reason for further research into specific penalties for high risk licence holders such as motorcyclists.

3.2.4.5 Location of collision

In 2009 198 of the 220 fatal collisions occurred on two way single carriageways. It would appear on initial review of the situation that driver behaviour such as speeding etc. has a significant effect on this type of road and that the penalty at these locations should be more severe in order to impact on this behaviour. Following discussions with the Garda Traffic Corps it is doubtful that implementing additional penalties for offences such as speeding on particular road types would be practical at this time.

3.3 SUMMARY OF OFFENCES & CAUSES WHERE RECOMMENDATION IS FOR PENALTY INCREASE

Offences that should be considered for increase based on causes of collisions and contributory factors to fatalities.	
Speeding	Increase points from 2 to 3
Holding a mobile phone while driving	Increase points from 2 to 4
Crossing continuous white line	Increase points from 2 to 3
Failure to drive on the left hand side of the road	Increase points from 1 to 2
Failure to comply with mandatory traffic signs at junctions	Increase points from 1 to 2
Dangerous overtaking	Increase points from 2 to 3
Failure to obey traffic lights	Increase points from 2 to 3
Failure by Driver to comply with front seat belt requirements	Increase points from 2 to 6
Failure by Driver to comply with rear seat belt requirements	Increase points from 2 to 6

4. INTERNATIONAL PENALTY POINT SYSTEMS

In the following section the Irish Penalty Point System has been compared to 10 other international systems. The safety record in 2009 of the European countries listed below can be seen in figure 13.

Penalty point systems were selected for comparison based on the states safety record, data availability or similarity to the Irish system. Note that Sweden does not have a penalty point system and the Netherlands has a very limited form for novice drivers with no specific offences. Germany has a system with a limited number of offences and disqualification at 18 points. Finland as with the Netherlands does not have a penalty point system for all drivers but has a demerit point system for young drivers. Austria has a system where three offences in two years results in disqualification, (in Austria 4 points an offence is assumed here for comparison purposes). Denmark has 1 point for each offence with disqualification at 3 points in three years, (this has been factored up to 4 for comparison with the Irish system).

Finnish example; if a young driver (this means all the drivers who have got their driving license in the past year) commits an offence for which a punishment can be provided in day fines or petty fine for speeding two times a year, his right to drive is to be cancelled for a minimum period for one month. Sufficient information was not available for Norway. The road safety record in Italy is poor and that country's system was not used for this reason.

List of Countries in Europe with Penalty Point Systems where information is available:

- Denmark
- Northern Ireland
- England and Wales
- Norway
- Germany
- Scotland
- Ireland
- Austria
- Italy
- Spain
- Netherlands
- France

List of countries used for comparison.

- England & Wales,
- Spain
- Northern Ireland
- France,
- Scotland
- Ontario (Canada)
- Austria
- Victoria (Australia)
- Denmark
- New Zealand

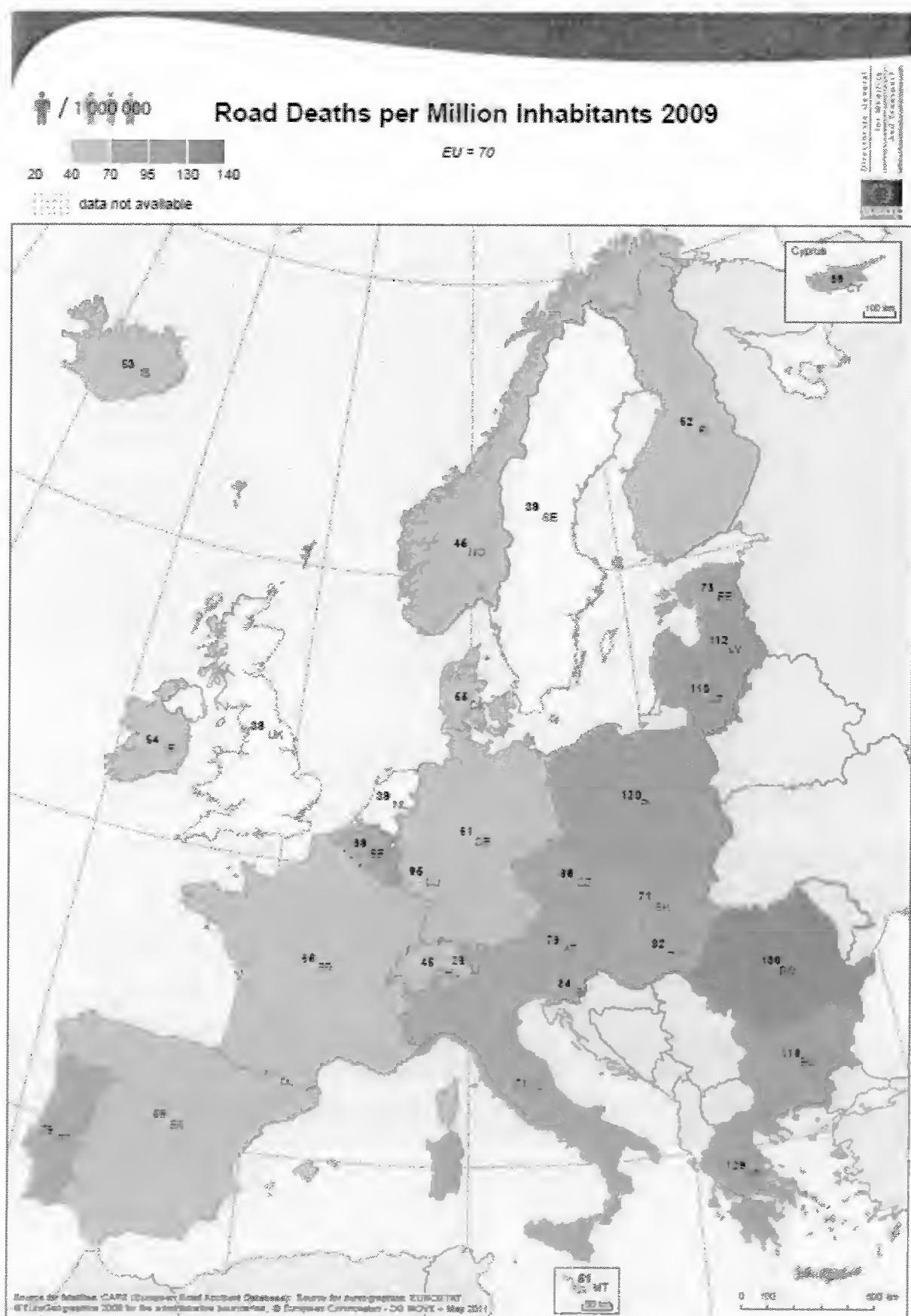


Figure 13 - European Road deaths per million in 2009. CARE (European Road Collision Database).

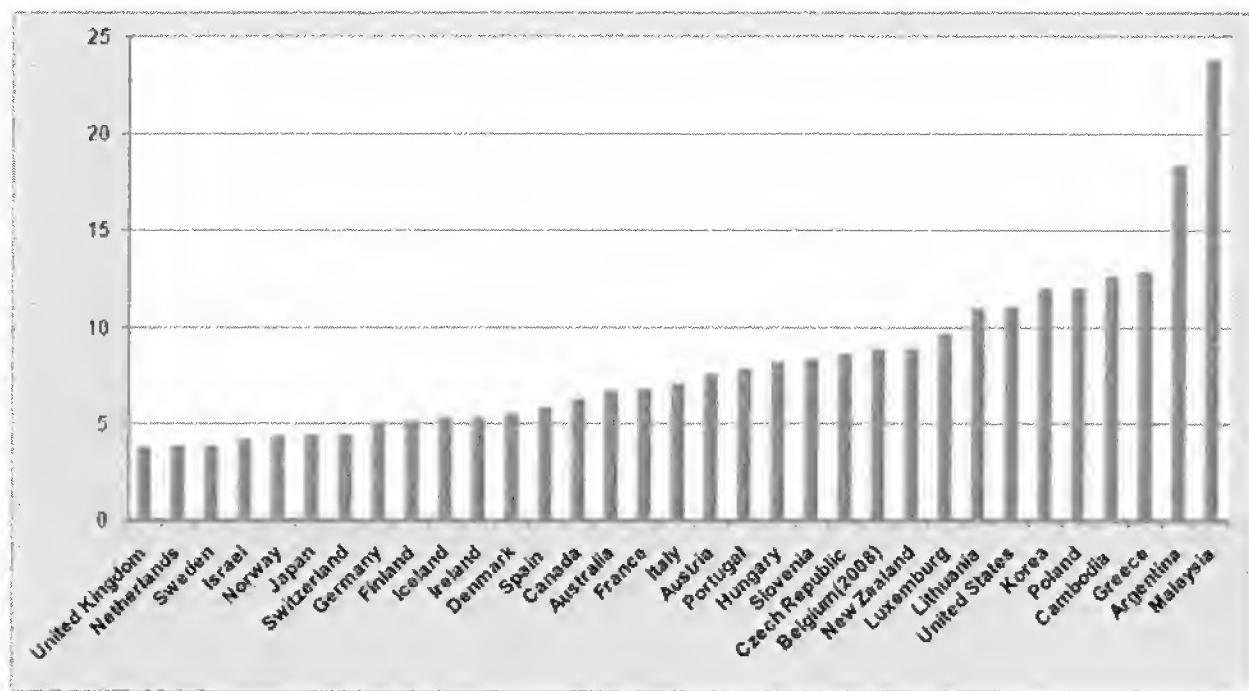


Figure 14 - Road Fatalities per 100,000 population in 2009.

Source: International Traffic Safety Data and Analysis Group (IRTAD ANNUAL REPORT 2010).

4.1 OVERVIEW

From figure 14 it can be seen that Ireland had the eleventh lowest fatality rate of the 28 countries covered in the IRTAD database in 2009.

4.1.1 Best safety record

In 2009 the best performing countries in the EU were the UK, Sweden and the Netherlands at 38, 39 & 39 fatalities per million inhabitants. The System in the UK is split into 3 with Scotland and Northern Ireland having a variant of the English and Welsh System.

4.2 IRISH SYSTEMS COMPARED TO INTERNATIONAL SYSTEMS

The Penalty Point System in Ireland has been compared to systems in England & Wales, Northern Ireland, Scotland, Victoria (Australia), Austria, Denmark, Spain, France, Ontario (Canada) and New Zealand. Although all ten Penalty Points systems reviewed differ both from one another and from the Irish System they all predominantly cover the primary factors affecting driver behaviour and collisions. The systems were reviewed and similar offences to those in the Irish System were aligned with one another. In order to compare offences the best match has been used from the international systems and it should be noted that assumptions have been made on similarity in order to allow the exercise to proceed.

4.2.1 Penalties that are high in Ireland when compared internationally

The penalties for offences in each system have been sorted to align with one another. The average of the penalties in the international systems has been used for comparison. Where there is no comparable offence (and points) in a country it is given a zero rating and is not used in the calculation of the average. For example if in the case of parking a vehicle in a dangerous position offence three countries have 3 points

each; in this instance the average is calculated as being $9/3=3$ as opposed to using the average of all ten. This is to ensure that the figures are not distorted where an exact match for an offence is not possible. Note that where the points attracted by an offence are given in a range i.e. 3-11 the median number is used for comparison. Where an offence attracts more than 1 point when compared to the average this is categorised as being high. Table 2 shows the offences in the Irish System that are high when compared to the international systems.

4.2.1.1 Driving dangerously defective vehicle

Driving a dangerously defective vehicle in Ireland attracts a mandatory court appearance and up to 5 points. This offence became part of the Irish penalty point system in May 2009. In England & Wales, Northern Ireland and Scotland this offence has 3 points attributed to it. In the state of Victoria (Australia), Austria, Denmark, Spain, France, Ontario (Canada) and New Zealand this is not a penalty point offence. In December 2009 there were 2 offences for driving a dangerously defective vehicle on record and both of these could not be enforced due to the driver number not being available to attribute points to.

It is noted that in discussions with the Gardaí that there may be issues with enforcement of offences from a practical point of view, e.g. where a Garda may enforce a lesser alternative offence that is easier to prove in an attempt to save time in court.

There appear to be three options when reviewing this offence;

1. Consider this offence not being a mandatory court appearance and reduce the severity of the penalty to be in line with other countries
2. Consider this offence not being a mandatory court appearance and increasing the penalty severity from 5 to 6 points
3. Leave the offence as is.

Recommendations

Both new options have merit in that Garda resources can be used more efficiently by avoiding a court appearance but the severity level of this offence needs to be stressed and no change is recommended to the current approach.

4.2.1.2 Using a vehicle without a certificate of road worthiness & without a test certificate

Using a vehicle without a certificate of road worthiness & without a test certificate became offences in Ireland in May 2009. The penalty for these offences is a mandatory court appearance and up to 5 points. The state of Victoria in Australia is the only one of the 10 states used for comparison that has a similar offence to these where it has only 1 point attributed to it with no court appearance. These are not penalty point offences in the remaining comparison countries. On record in December 2009 there were 12 offences for driving a dangerously defective vehicle. The same practicalities regarding Garda resources and time in court apply to these offences as with driving a dangerously defective vehicle however the level of enforcement of using a vehicle without a certificate of road worthiness is far higher. This could be due to the matter of fact nature of the offence relative to what constitutes driving a dangerously defective vehicle. The Irish severity is very high considering that it is only the system in Victoria that has this as an offence (1 point) with the other 9 not allocating points.

The options are:

1. Consider these offences not being a mandatory court appearance and reduce the severity of the penalty to be in line with other countries
2. Consider these offences not being a mandatory court appearance and increasing the penalty severity
3. Consider this offence not being a mandatory court appearance and reduce the severity of the penalty to be in line with other countries combined with a link to the road tax system
4. Leave the offence as is.

Recommendations

Option 2 would increase the gap in severity levels with the other international systems. While Option 1 appears to be the more appropriate, the reduction in the severity may increase the likelihood of offending. One possible method to reduce the likelihood of offending would be to link the NCT to the Road Tax System. Should it be a requirement of the NCT to have up to date road tax on testing date this may alleviate non-compliance with the penalty point offences of using a vehicle without a certificate of road worthiness or without a test certificate. Option 3 is recommended; the penalty being reduced to no court appearance, 3 points and an examination to take place into introducing a requirement to have up to date road tax on the day of NCT testing.

4.2.1.3 Driving a vehicle when unfit

Driving a vehicle when unfit attracts 3 points and a mandatory court appearance. While this is not an offence in any of the other ten comparison countries, no change to the Irish system is recommended.

4.2.1.4 Parking a vehicle in a dangerous position

Parking a vehicle in a dangerous position was introduced as an offence in April 2006. The penalty for this is a mandatory court appearance and up to 5 points. In England & Wales, Northern Ireland, Scotland & France this offence has 3 points attributed to it with no court appearance. In Spain the penalty is 2 points. In the state of Victoria (Australia), Denmark, Ontario (Canada) and in New Zealand this is not a penalty point offence. In December 2009 there were no offences for parking a vehicle in a dangerous position on record outside of those that could not be attributed due to there being no driver number. The same practicalities regarding Garda resources and time in court apply to this offence as with driving a dangerously defective vehicle & using a vehicle without a certificate of road worthiness.

The options are:

1. Consider this offence not being a mandatory court appearance and reduce the severity of the penalty to be in line with other countries
2. Consider this offence not being a mandatory court appearance and increasing the penalty severity
3. Leave the offence as is.

Recommendations

Option 1 seems to be the more practical of the choices as it may improve enforcement & save resources. Remove the requirement for a court appearance and reduce the points to 3 and 6.



RISH SYSTEM

IRISH SYSTEM						Difference in Irish and average points allocated					
	Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days			New Zealand	Ontario Canada	France	Spain	
1	Using vehicle (car) without test certificate	m*	5	Court Fine	0	0	0	0	0	0	5
3	Driving dangerously defective vehicle	m*	5	Court Fine	3	3	0	0	0	0	2
4	Using vehicle without certificate of roadworthiness	m*	5	Court Fine	0	0	1	0	0	0	4
5	Bridge strikes, etc.	m*	3	Court Fine	0	0	0	0	0	0	3
36	Parking a vehicle in a dangerous position	m*	5	Court Fine	3	3	0	0	2	3	2
35	Driving a vehicle when unfit	m*	3	Court Fine	0	0	0	0	0	0	3

Table 2 - Offences that are high relative to the 10 comparator systems

4.2.2 Penalties that are low in Ireland when compared internationally

The penalties for offences have been sorted to align with one another, when the average in the comparison countries is greater by more than 1 point this has resulted in the list of offences that are considered as being low.

4.2.2.1 Failure to act in accordance with a Garda signal

The penalty for the offence of failure to act in accordance with a Garda signal has been in place since April 2006 and warrants 1 point initially with 3 points if convicted. Northern Ireland & Ontario are the only states used for comparison that have this offence where it has 3 & 2 points attributed to it. In England & Wales, Victoria (Australia), Scotland, Austria, Denmark, Spain, France and in New Zealand this is not a penalty point offence. In December 2009 there were 33 offences of failure to act in accordance with a Garda signal on record at that time.

The options are:

1. Consider increasing the severity of the penalty to be in line with other countries.
2. Leave the offence as is.

Recommendations

This is not considered to be an offence that affects driver behaviour to such a degree that it warrants changing the system therefore option 2 is the preferred.

4.2.2.2 Driving on the hard shoulder

The penalty for the offence of driving on the hard shoulder of a motorway has been in place since April 2006 and warrants 1 point initially with 3 points if convicted. In Northern Ireland, France, Austria and Denmark this offence has 3, 3, 4 & 4 points attributed to it. In England & Wales, Victoria (Australia), Scotland, Spain, Ontario (Canada) and in New Zealand this is not a penalty point offence. As of December 2009 there were 1,155 number offences of driving on the hard shoulder on record.

The options are:

1. Consider increasing the severity of the penalty to be in line with other countries.
2. Leave the offence as is.

Recommendations

Only 4% of fatal collisions occur on the motorway network, considering this fact it is recommended that the offence remain as is.

4.2.2.3 Driving on a cycle track

The penalty for the offence of driving on a cycle track was introduced in April 2006 and warrants 1 point initially with 3 points if convicted. Spain is the only other country of the 10 used in the comparison that has this offence where the penalty is 4 points.

The options are:

1. Consider increasing the severity of the penalty to be in line with Spain.
2. Leave the offence as is.

Recommendations

Given that there is only one country using this offence it is not recommended that the Irish Penalty Point System is altered.

4.2.2.4 Driving on a median strip, e.g. Boundary between two carriageways

The penalty for the offence of driving on a median strip has been in place since April 2006 and warrants 1 point initially with 3 points if convicted. In Northern Ireland this offence has 3 points attributed to it. In England & Wales, Scotland, Denmark, Victoria, Austria, Spain, France, Ontario (Canada) and in New Zealand this is not a penalty point offence. On record in December 2009 there were 739 offences for driving without reasonable consideration.

The options are:

1. Consider increasing the severity of the penalty to be in line with Northern Ireland.
2. Leave the offence as is.

Recommendations

This Penalty Point Offence may be loosely related to the causes of collisions on Irish roads in that there are a substantial number of collisions on 2 way single carriageways. Given that there is an intention is to bring the systems in the North and South closer it is recommended that the penalty be increased to 2 and 4 points.

4.2.2.5 Failure to stop for a school warden

April 2006 saw the introduction of this offence and it warrants 1 point initially with 4 points if convicted. In England & Wales and Scotland this offence has 3 points attributed to it whereas in New Zealand the penalty is slightly lower at 2 points. This is not an offence in the remaining comparison countries.

The options are:

1. Consider increasing the severity of the penalty to be in line with international levels.
2. Leave the offence as is.

Recommendations

This penalty point offence affects vulnerable road users and should be considered for increase to 2 points.

4.2.2.6 Driving without reasonable consideration

The penalty for the offence of driving without reasonable consideration has been in place since April 2006 and warrants 2 points initially with 5 points if convicted. This offence has the following points in the comparison countries; in England & Wales 3 points, in Scotland its 3-9 points, in Denmark, Spain & New Zealand it has 4 points, and in Ontario the penalty is 2 points. In Northern Ireland, Victoria, France and Austria this is not a penalty point offence. In December 2009 there were 9,197 offences for driving without reasonable consideration on record.

The options are:

1. Consider increasing the severity of the penalty to be in line with other countries.
2. Leave the offence as is.

Recommendations

It is difficult to relate this Penalty Point Offence to the causes of collisions on Irish roads and considering that the range of the penalty in Scotland may be distorting the picture it is recommended that the penalty remain as is.

4.2.2.7 Failure to comply with prohibitory traffic signs

The penalty for the offence of failing to comply with prohibitory traffic signs is 1 point and then 3 upon conviction. Spain is the only country of the 10 used for comparison that has this offence where the penalty is 3 points.

The options are:

1. Consider increasing the severity of the penalty to be in line with Spain.
2. Leave the offence as is.

Recommendations

As there is only one country out of 10 that use this offence it is recommended that the penalty remain as is in the Irish system.

4.2.2.8 Failure to comply with keep left/keep right signs

The penalty for the offence of failure to comply with keep left/keep right signs has been in place since April 2006 and carries 2 points initially with 5 points if convicted. In England & Wales and Scotland this offence has 3 points attributed to it. In Northern Ireland, Victoria, Austria, Denmark, Spain, France, Ontario and in New Zealand this is not a penalty point offence. In December 2009 records state that there were 93 number offences for failure to comply with keep left/keep right signs.

The options are:

1. Consider increasing the severity of the penalty to be in line with other countries
2. Leave the offence as is.

Recommendations

It is difficult to relate this Penalty Point Offence to the causes of collisions on Irish roads and so it is recommended that the penalty remain as is.

4.2.2.9 Illegal entry onto a one-way street

Illegal entry onto a one-way street was brought in as an offence in April 2006 and as of December 2009 there were 43 incidences of this offence on record. The penalty for Illegal entry onto a one-way street is 1 point initially with 3 points if convicted. France is the only country out of the 10 where this is an offence with the penalty being 4 points.

The options are:

1. Consider increasing the severity of the penalty to be in line with France.
2. Leave the offence as is.

Recommendations

As there is only one country out of 10 that use this offence it is recommended that the penalty remain as is in the Irish system.

4.2.2.10 Speeding

Speeding was the 1st Penalty Point Offence introduced in 2002. As of December 2009 there were over 392,000 incidences of the speeding offence on record. At the moment speeding is penalised by 2 points initially and then 4 upon conviction. Speeding is an offence in all of the comparison countries with the exception of Austria that uses an on the spot fine. All of the comparison states that have speeding as a penalty point offence have higher penalties than the 2 given here in Ireland. The average in the comparator states was 4 penalty points.

The options are:

1. Consider increasing the severity of the penalty to be in line with other states.
2. Leave the offence as is.

Recommendations

This offence attracts twice the penalty in the comparison states than that in Ireland. Speeding is a contributing factor in most collisions. It is recommended that the penalty for speeding be increased to 3 points. The case has been made for the introduction of a graduated points approach to speeding. It has been argued that a driver travelling at slightly above the designated speed limits receives the same punishment as one who is significantly higher. A further examination should take place into the implications of applying 5 and 10 points to a driver who is in excess of 40 kph above the designated speed limit.

4.2.2.11 Driving without insurance

The penalty for this offence in Ireland is a mandatory court appearance and up to 5 points. In England & Wales, Northern Ireland and Scotland this offence has 6 to 8 points attributed to it. In the state of Victoria (Australia), Austria, Denmark, Spain, France, Ontario (Canada) and in New Zealand this is not a penalty point offence. In December 2009 there were 524 offences for driving without insurance on record at that time. The same practicalities regarding Garda resources and time in court apply to this offence as mentioned previously. In some jurisdictions it is the case that the vehicle is insured rather than the person. In the UK road safety strategy released in May 2011 it is one of the objectives to move toward this continuous vehicle insurance.

The Continuous Insurance Enforcement requires all vehicles to be insured unless they have been declared as off the road. After a warning, offenders will receive a fixed penalty notice and will risk having their vehicle seized by the Driver and Vehicle Licensing Agency (DVLA). UK road safety strategy 2011.

Up to the end of 2009 there were 524 enforcements of the offence of driving without insurance in Ireland and it should be noted that there were 12,455 instances where the points were not attributable to an offender as there was no licence numbers available, (possible foreign drivers licence).

The options are:

1. Consider this offence not being a mandatory court appearance and increase the severity of the penalty to be in line with other countries
2. Maintain the requirement for a court appearance but increase the penalty level
3. Leave the offence as is.

Recommendations

The possibility of continuous insurance should be studied further. It is not thought that increasing the penalty point level will have a dramatic effect on the frequency of violations but removing the requirement for the court appearance could have benefits from a resourcing point. It is not recommended that the penalty point system be changed. Alternatively the seizure & resale of uninsured vehicles could be the more effective solution.

4.2.2.12 Drink Driving (50mg to 80mg)

The treatment of this offence in Ireland has recently changed with penalties now as follows:

Normal Licence holder	50mg-80mg	3 points and €200 fine*
Normal Licence holder	80mg-100mg	6 month disqualification and €400 fine**
Specified Driver	20-80mg	3 month disqualification and €200 fine

*(6 months if choosing to go to court.)

**(12 months if choosing to go to court.)

Between 50 and 80mg is 3 points in Ireland. In England & Wales, Victoria (Australia) and Austria this offence has 3-11, 10 and 4 points attributed to it. In Spain and France this offence attracts a penalty of 6 points. In Northern Ireland, Scotland, Denmark, Ontario and in New Zealand this is not a penalty point offence. The step of creating this tiered drink driving penalty system in Ireland has happened in conjunction with the reduction in the general limits from 80mg to 50mg.

The options are:

1. Consider increasing the severity of the penalty to be in line with other countries
2. Leave the offence as is.

Recommendations

This Penalty Point Offence is related to the causes of collisions on Irish roads. Victoria treats the offence as very serious with the stiff penalty of 10 points for offenders. Northern Ireland does not have points for this but instead the penalty there is 3 months imprisonment or a fine of £2,500 or both and a ban from driving. England and Wales have a range of 3 to 11 points but only where the court chooses not to disqualify as a result of special reasons. In Scotland a 6-month jail sentence and fine of £5,000 plus at least a 12-month disqualification is the minimum penalty for drink driving.

The Irish system as it stands probably treats the offence of drink driving the most practically with an outright ban once beyond certain limits thus avoiding expensive court appearances but retaining the severity of the offence. It is recommended that the system remain as is.

IRISH SYSTEM		Offences incurring penalty points		Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Average of those points allocated	Difference in Irish and average
Failure to act in accordance with a Garda signal	8	1	3	80	0	3	0	-2
Driving on the hard shoulder on a motorway	16	1	3	80	0	3	0	-3
Driving on a cycle track	22	1	3	60	0	0	0	-3
Driving on a median strip, e.g. Boundary between two carriageways	24	1	3	60	0	3	0	-2
Failure to stop for school warden sign	25	1	4	80	3	0	0	-2
Driving without reasonable consideration	29	2	4	80	3	0	0	-2
Failure to comply with prohibitory traffic signs	31	1	3	60	0	0	0	-2
Failure to comply with keep left/keep right signs	32	1	3	60	3	0	0	-2
Illegal entry onto a one-way street	34	1	3	60	0	0	0	-3
Speeding	38	2	4	80	3	1-8	3-6	-2
Driving without insurance	39	m*	5	Court Fine	6-8	6	0	4
Drink Driving - 50mg to 80mg	43	3	6 month ban	200	3-11	0	10	-4

Table 3 - Offences that are Low relative to the 10 comparator systems

4.2.3 The Irish system compared to the system in Northern Ireland.

There are currently circa 43 Penalty Point Offences operational in the Irish system and 44 offences in the Northern Irish System. Of the 44 offences in the Northern system there are 29 that can be aligned with the system in the South. Many of the 15 aligned offences relate to very similar offences with for example “Parking a vehicle in a dangerous position” offence in the South is broken down into 7 offences in the North. There are a further 22 offences in the South that do not have direct reflections in the North.

In table 4 the penalty point offences that have equivalent offences in the both jurisdictions are shown aligned with one another. None of the offences attract the same number of points in each system, Six offences are higher in the South and 14 are lower when compared to those in Northern Ireland. Three offences have a mandatory court appearance in the South but are only point offences in the North. The Northern System sets the penalty of 3 points for all offences whereas in the South the tendency is to weight the penalties according to the seriousness of the offence. An adjustment in the approaches would facilitate the introduction of mutual recognition of penalty points.

Designated offence is high in Republic in comparison with Northern Ireland
Designated offence is low in Republic in comparison with Northern Ireland

IRISH SYSTEM		NORTHERN IRELAND				System Differences	
	Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Offence Code	Offences incurring penalty points	Offence Points
3	Driving dangerously or defective vehicle	m*	5	Court Fine	5013021	No Prescribed Braking System	3
					5013022	Defective Braking System	3
					5013025	Defective Steering	3
					5013049	Defective Tyre - General	3
6	Holding a mobile phone while driving	2	6	60	5013156	Using Motor Vehicles in Dangerous Condition	3
					5013165	Using a Mobile Phone Whilst Driving	3
7	Dangerous overtaking	4	10	90	5008117	Overtaking Moving Vehicle on Zebra Crossing	3
8	Failure to act in accordance with a Garda signal	1	3	30	5008007	Breach of Signal Given by a Constable	3
9	Failure to stop a vehicle before stop signs/stop line	2	4	30	5008268	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	3
10	Failure to yield right of way via a yield sign/roundabout line	2	4	30	5008269	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	4
11	Crossing continuous white line	2	4	30	5008270	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	5
12	Failure to obey traffic lights	4	10	30	5008268	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	5
13	Driving a vehicle on a motorway against the flow of traffic	2	4	60	5008076	Reversing on Motorway	3
14	Driving on the hard shoulder on a motorway	4	3	30	5008077	Driving on hard shoulder of Motorway	3
15	Failure to stop for school warden sign	1	4	30	5008270	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	3
16	Driving on a median line e.g. boundary between two carriageways	4	3	60	5008075	Unlawful use of central reservation of Motorway	3
17	Failure to comply with mandatory traffic signs at junctions	1	3	60	5008268	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	3
18	Failure to comply with priority traffic signs	1	3	60	5008268	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	3
19	Failure to comply with speed limit/keep right signs	1	3	60	5008270	Breach of Traffic Sign e.g. Red Light, No Entry, Solid White Lines	4
20	Parking a vehicle in a dangerous position	m*	5	Court Fine	5008073	Parking on hard shoulder of Motorway	3
21					5008065	Parking within the limits of a Zebra Crossing	3
22					5008231	Leaving vehicle in dangerous position	3
23					5008073	Parking within the limits of a Pelican Crossing	3
24					5008098	Remain on hard shoulder of motorway longer than necessary	3
25					5008092	Stopping on motorway	3
26					5008011	Stopping on approach to a Pelican Crossing	3
27					5008015	Stopping within the limits of Zebra Controlled area	3
28	Speeding	4	8	60	5008012	Excess Speed	3
29	Driving without insurance	m*	5	Court Fine	5008019	Driving causing or permitting a person to drive a motor vehicle while uninsured	5
30	Failure by driver to comply with front seat belt requirements for passengers under 17 years	2	4	60	5012036	Carrying child under 14 years without seat belt (front)	3
31					5013541	Carrying passenger car with unstrapped child under 12 years	3
32					5013265	Failing to Wear Seat Belt - Driver	3
33					5013465	Driver Carrying Unbelted Child Under 14 Years	3
34	Failure by Driver to comply with rear seat belt requirements for passengers under 17 years	4	8	60	5013155	Carrying child under 14 years without seat belt (rear)	3
35					5013271	Driver Carrying Child Under 12 Years and under 135cm without proper restraint	3

Table 4 – The Irish Penalty Point System & equivalents in Northern Ireland.

Table 5 shows offences in Ireland that do not have an equivalent in Northern Ireland. The most obvious that does not have a corresponding offence in Northern Ireland is Drink Driving. In Northern Ireland the penalty for drink driving can be a prison term and/or a fine. The legal alcohol limit for driving in Northern Ireland is 80 milligrammes of alcohol in 100 millilitres of blood. Since October 2011 the limits in Ireland are lower than those in the North. Northern Ireland's Road Safety Strategy to 2020 states that the intent there is to reduce the legal limit there. This change would be fundamental to the integration and mutual recognition of the two systems.

IRISH SYSTEM (not covered by offences in Northern Ireland, 22 nr)				
	Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days
1	Using vehicle (car) without test certificate	m*	5	Court Fine
2	Driving vehicle before remedying dangerous defect	m*	3	Court Fine
3	Using vehicle without certificate of roadworthiness	m*	5	Court Fine
4	Bridge strikes, etc.	m*	3	Court Fine
5	Entry by driver into hatched marked area of roadway, e.g. Carriageway reduction lane	1	3	80
6	Failure to obey traffic rules at railway level crossing	2	5	80
7	Driving a HGV (subject to an ordinary speed limit of 80 kms per hour or less) on the outside lane on a motorway or dual carriageway	1	3	80
8	Failure to drive on the left hand side of the road	1	3	60
9	Failure to obey requirements at junctions, e.g. Not being in the correct lane when turning onto another road	1	3	60
10	Failure to obey requirements regarding reversing of vehicles, e.g. Reversing from minor road onto main road	1	3	60
11	Driving on a footpath	1	3	60
12	Driving on a cycle track	1	3	60
13	Failure to turn left when entering a roundabout	1	3	60
14	Failure to leave appropriate distance between you and the vehicle in front	2	4	80
15	Failure to yield	2	4	80
16	Driving without reasonable consideration	2	4	80
17	Failure to comply with traffic lane markings	1	3	60
18	Illegal entry onto a one-way street	1	3	60
19	Driving a vehicle when unfit	m*	3	Court Fine
20	Breach of duties at an collision	m*	5	Court Fine
21	Driver found to be driving carelessly	m*	3	Court Fine
22	Drink Driving - 50mg to 80mg (Between 80mg & 100mg - 6 month suspension) (Novice Driver - Between 20mg & 80mg - 3 month suspension)	3 (suspension) (suspension)		200 (400) (200)

Table 5 - Offences from the Irish System that do not have equivalents in the Northern Ireland

Table 6 shows the remaining offences in Northern Ireland that do not have a direct equivalent in Ireland. Two of the offences remaining below may have equivalents in the Irish system in the near future. These are; "Unaccompanied 'L' Driver & Driver does not have Full View of Road and Traffic Ahead" will be matched in the Irish system by "Using a vehicle from which driver has inadequate view of road and traffic" (1 & 3 points) and Holder of provisional licence driving vehicle (other than motor cycle) when not accompanied by and under supervision of qualified person (1 & 3 points). Both of these offences will attract lower penalties in the South than in the North. There are currently no plans to introduce the remaining 12 offences. As far as the system in Northern Ireland is concerned the majority of offences have corresponding offences in the South.

NORTHERN IRELAND - Offences that are Not covered in the Irish System				
	Offence Code	Offence Wording	Offence Endorsable	Offence Points
1	5008087	Driving classified vehicle on special road	Y	3
2	5008237	Carrying unauthorised passenger on motor bicycle	Y	3
3	5008286	Driving on a Bus lane on Motorway	Y	3
4	5010007	No L Plates displayed	Y	3
5	5010009	Unaccompanied 'L' Driver	Y	3
6	5010010	'L' Driver carrying passenger on motorcycle	Y	3
7	5010011	'L' Driver carrying unauthorised passenger on motorcycle	Y	3
8	5010012	'L' Driver Towing a Trailer	Y	3
9	5010015	No 'R' Plates Displayed	Y	2
10	5013067	Driver unable to have proper control of vehicle	Y	3
11	5013075	Failing to Set Handbrake	Y	3
12	5013091	Tyres insufficient to support axle weight	Y	3
13	5013126	Exceeding height limit of semi-trailer	Y	3
14	5013273	Driver does not have Proper Control of Vehicle	Y	3
15	5013274	Driver does not have Full View of Road and Traffic Ahead	Y	3

Table 6 - Offences from Northern Ireland that do not have equivalents in the Irish System

Recommendations.

The Penalty Point System in Ireland has more offences than the Northern Ireland System and so there are many of the Irish offences that do not have a match in the North. It is recommended that the working group on points in the South choose a number of specific offences and ask these to be replicated in the North. These selected offences should be those which can be related to the primary causes of collisions such as speed, drink, stop/yield sign, improper overtaking, failed to signal, and drove through traffic signal.

To begin the process of bringing the two systems into alignment with each other it would be beneficial to start with a number of test offences such as speeding. There is an opportunity to possibly increase this offence to 3 points thus bring one of the main problem areas into sync within each of the two systems.

4.2.4 Offences that are used internationally that are not used in Ireland

After aligning the Irish and international systems it is apparent that there are offences that are not used in Ireland but are used abroad. In the ten international penalty point systems reviewed there are a number of offences that could be considered for adoption into the Irish system but 7 that are of particular interest. The complete list of offences that are not used in Ireland but are used in the international systems are listed in Appendix D.

The 7 offences that are used internationally & could be considered for the Irish penalty point system are as follows:

Offence description	Country of Origin
<ul style="list-style-type: none"> ▪ Driving or attempting to drive when unfit through drugs (3-11 points). ▪ In charge of a vehicle when unfit through drugs (10 Points). 	England & Wales
<ul style="list-style-type: none"> ▪ Endangering of pedestrians at crossings (4 points). 	Austria
<ul style="list-style-type: none"> ▪ Turn or stop without signalling, (2 points) ▪ Turn improperly, (2 points) ▪ Fail to dip headlights, (1 point) ▪ Drive at night or in hazardous weather conditions without appropriate lights on (1 point) 	Victoria

4.2.4.1 Driving or attempting to drive when unfit through drugs (3-11 points) & In charge of a vehicle when unfit through drugs (10 Points).

The Road Safety Authority launched the third in its series of Anti-Drug Driving Campaigns on Friday 7th October 2011. This new campaign is aimed at raising awareness of the dangers and possible consequences of driving under the influence of cannabis, the most commonly used illegal drug. The RSA has carried out a survey of 1,000 17-34 year olds with the follow results:

- 45% have used recreational drugs
- 22% have been passengers in cars driven by someone under the influence of drugs
- 6% have driven under the influence of drugs
- 50% of those who have driven under the influence of drugs have been fined for other traffic offences
- 85% believe driving under the influence of alcohol is 'very unacceptable', while only 46% believe driving under the influence of cannabis is 'very unacceptable'

Recommendations

When further research has been concluded into improved methods of detecting drug driving, consideration should be given to including these as penalty point offences, the same as those for drink driving.

4.2.4.2 Endangering of pedestrians at crossings (4 points).

Another of the four primary causes of road collisions, deaths and injuries on Ireland's roads was 'Unsafe behaviour towards/ by vulnerable road users', which includes pedestrians. RSA National Pedestrian Safety Action plan 2010 – 2014.

Recommendations

This offence should be considered for addition to the schedule of penalty point offences.

4.2.4.3 Turn or stop without signalling, (2 points) & Turn improperly, (2 points)

There were 7 fatal collisions involving turning in 2009. It is not known if the 2 offences above were contributory factors.

Recommendations

Consider these for addition to the Irish system.

4.2.4.4 Fail to dip headlights, (1 point) & Drive at night or in hazardous weather conditions without appropriate lights on (1 point)

There were 58 fatal collisions between the hours of 2100 & 0300 in 2009. Again it is not possible to say if lights were a factor but this behaviour is common in Ireland.

Recommendations

Consider these for addition to the Irish system.

4.3 SUMMARY OF RECOMMENDATIONS FOR IRISH SYSTEM BASED ON INTERNATIONAL PRACTICE

Offence	Change to system
12 Irish offences that are NOT used in other penalty point systems & recommendations	
Driving dangerously defective vehicle	Retain as is
Bridge Strikes	Retain as is
Driving a HGV on the outside lane	Retain as is
Failure to obey requirements at junctions,	Retain as is
Requirements regarding reversing of vehicles	Retain as is
Driving on a footpath	Retain as is
Driving on a cycle track	Retain as is
Failure to turn left when entering a roundabout	Retain as is
Failure to comply with traffic lane markings	Retain as is
Illegal entry onto a one-way street	Retain as is
Driving a vehicle when unfit	Retain as is
Failure to obey traffic rules at railway level Xing	Retain as is
4 offences that should be considered for increase based on international comparison	
Driving on a median strip	Increase points from 1 to 2
Failure to stop for a school warden sign	Increase points from 1 to 2
Speeding	Increase points from 2 to 3
Failure to comply with mandatory traffic signs at junctions	Increase points from 1 to 2
3 offences that should be considered for decrease based on international comparison	
Using vehicle without certificate of roadworthiness	No court and decrease points from 5 to 3 + Road tax link
Using a vehicle with no test certificate	No court and decrease points from 5 to 3 + Road tax link
Parking a vehicle in a dangerous position	No court and decrease points from 5 to 3

5. ROLL OUT OF ADDITIONAL PENALTY POINT OFFENCES

The First Schedule to the Road Traffic Act 2002 provides for some 70 offences under the Road Traffic Acts, the Railway Safety Act and EU Regulations to be regarded as penalty point offences. Of these, 43 offences have been commenced to date. It was proposed that the remaining offences on the Schedule would be examined periodically and decisions taken regarding their roll-out in tranches. On this basis, it is considered appropriate that the offences listed below, with penalty points applying, would be introduced at the earliest possible opportunity.

Offence	Penalty points on payment of fixed charge	Penalty points on conviction in court
Using vehicle:		
(a) Whose weight unladen exceeds maximum permitted weight		
(b) Whose weight laden exceeds maximum permitted weight		
(c) Any part of which transmits to ground greater weight than maximum permitted weight	1	3
Using a vehicle from which driver has inadequate view of the road and traffic	1	3
Using vehicle whose windscreen is not of safety glass or gives distorted view	1	3
Using motor cycle without wearing a crash helmet	2	4
Permitting passenger not wearing crash helmet to be carried on motorcycle	2	4
Using vehicle not equipped with required lamps and identification mark lighting	1	3
Using trailer not equipped with required lamps and identification mark lighting	1	3
Using vehicle not equipped with required rear projecting load lamp or lateral projecting load lamp	1	3
Using trailer not equipped with required marker lamp	1	3
Using public service vehicle not equipped with required internal lighting	1	3

Safety belt offences:		
(i) Driver of car or goods vehicle not wearing a safety belt		
(ii) Driver permitting person underage to occupy seat when not wearing a safety belt		
(iii) Driver of car or goods vehicle permitting child under 3 to travel unrestrained		
(iv) Driver of car or goods vehicle permitting child over 3 to travel unrestrained		
(v) Driver of car or goods vehicle permitting child to be restrained by rearward facing child restraint fitted to a seat protected by active frontal airbag		
(vi) Driver of bus not wearing safety belt	3	6

The offences related to safety belt refer to the most recent legislation dealing with this issue, SI 240 of 2006 and will replace the existing penalty point offences for non-wearing of seat belts.

The suggestion has been made that it would be harsh to apply penalty points, in the first instance, to the offence of 'Using vehicle not equipped with required lamps or identification mark lighting'. The view was expressed that a bulb may blow in the course of a journey without the driver's knowledge or detection. Further consideration will be given to introducing the concept of a 'Rectification Notice', whereby a Garda would issue a notice to the driver on detection of a lighting defect and he/she would be required, within a specified timeframe, to produce the car at a nominated Garda Station for inspection. Failure to comply with the notice would result in the issue of a fixed charge notice and the application of penalty points.

APPENDIX A - Complete Summary of Penalty Point Recommendations

IRISH PENALTY POINT SYSTEM						
	Offences incurring penalty points	EXISTING SYSTEM			PROPOSED SYSTEM	
		Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	Penalty points on payment	Penalty points on conviction
1	Using vehicle (car) without test certificate	m*	m*	Court Fine	3	6
2	Driving vehicle before remedying dangerous defect	m*	3	Court Fine	m*	3
3	Driving dangerously defective vehicle	m*	5	Court Fine	m*	5
4	Using vehicle without certificate of roadworthiness	m*	5	Court Fine	3	6
5	Bridge strikes, etc.	m*	3	Court Fine	m*	3
6	Holding a mobile phone while driving	2	4	60	4	8
7	Dangerous overtaking	2	5	80	3	6
8	Failure to act in accordance with a Garda signal	1	3	80	1	3
9	Failure to stop a vehicle before stop sign/stop line	2	4	80	2	4
10	Failure to yield right of way at a yield sign/yield line	2	4	80	2	4
11	Crossing continuous white line	2	4	80	3	6
12	Entry by driver into hatched marked area of roadway, e.g. Carrigaway reduction lane	1	3	80	1	3
13	Failure to obey traffic lights	2	5	80	3	6
14	Failure to obey traffic rules at railway level crossing	2	5	80	2	5
15	Driving a vehicle on a motorway against the flow of traffic	2	4	80	2	4
16	Driving on the hard shoulder on a motorway	1	3	80	1	3



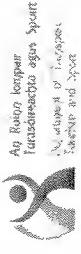
Aga Khan University
Tata Kelola dan Pengembangan
Diketahui oleh
Lecturer dan Staff

NB: Green highlight indicates that proposal is to increase points & blue highlight indicates that proposal is to reduce severity of penalty.

IRISH PENALTY POINT SYSTEM						PROPOSED SYSTEM	
		EXISTING SYSTEM					
		Penalty points on payment	Penalty Points on conviction	Amount paid in 28 days	Penalty points on payment		Penalty points on conviction
Driving a HGV on the outside lane on a motorway or dual carriageway	17	1	3	80	1		3
Failure to drive on the left hand side of the road	18	1	3	60	2		4
Failure to obey requirements at junctions, e.g. Not being in the correct lane when turning onto another road	19	1	3	60	1		3
Failure to obey requirements regarding reversing of vehicles, e.g. Reversing from minor road onto main road	20	1	3	60	1		3
Driving on a footpath	21	1	3	60	1		3
Driving on a cycle track	22	1	3	60	1		3
Failure to turn left when entering a roundabout	23	1	3	60	1		3
Driving on a median strip, e.g. Boundary between two carriageways	24	1	3	60	2		4
Failure to stop for school warden sign	25	1	4	80	2		4
Failure to stop when so required by a member of the Garda Síochána	26	2	5	80	2		5
Failure to leave appropriate distance between you and the vehicle in front	27	2	4	80	2		4
Failure to yield	28	2	4	80	2		4
Driving without reasonable consideration	29	2	4	80	2		4
Failure to comply with mandatory traffic signs at junctions	30	1	3	60	2		4

NB: Green highlight indicates that proposal is to increase points & blue highlight indicates that proposal is to reduce severity of penalty

IRISH PENALTY POINT SYSTEM						PROPOSED SYSTEM	
	Offences incurring penalty points	EXISTING SYSTEM		Amount paid in 28 days		Penalty points on payment	Penalty points on conviction
		Penalty points on payment	Penalty points on conviction	Amount paid in 28 days			
31	Failure to comply with prohibitory traffic signs	1	3	60		1	3
32	Failure to comply with keep left/keep right signs	1	3	60		1	3
33	Failure to comply with traffic lane markings	1	3	60		1	3
34	Illegal entry onto a one-way street	1	3	60		1	3
35	Driving a vehicle when unfit	m*	3	Court Fine	m*	3	3
36	Parking a vehicle in a dangerous position	m*	5	Court Fine	3	6	6
37	Breach of duties at an accident	m*	5	Court Fine	m*	5	5
38	Speeding	2	4	80	3	6	6
39	Driving without insurance	m*	5	Court Fine	m*	5	5
40	Failure by Driver to comply with front seat belt requirements	2	4	60	6	10	10
41	Failure by Driver to comply with rear seat belt requirements for passengers under 17 years	2	4	60	6	10	10
42	Driver found to be driving carelessly	m*	5	Court Fine	m*	5	5
43	Drink Driving - 50mg to 80mg	3		200		3	



NB: Green highlight indicates that proposal is to increase points & blue highlight indicates that proposal is to reduce severity of penalty.

APPENDIX B - Penalty Points on Record in December 2009

RANKING	OFFENCES TYPE	2009 TOTAL BEFORE REMOVAL OF NO DRIVER NUMBERS	NO DRIVER NUMBER	TOTAL NR. OF INCIDENCES ENFORCED
1	Speeding	548,173	155,799	392,374
2	Driving a vehicle while holding a mobile phone	85,912	14,703	71,209
3	No safety belt - driver	54,373	17,596	36,777
4	Fail to obey traffic lights	26,919	4,541	22,378
5	Fail to comply with prohibitory traffic signs	18,102	2,346	15,756
6	Cross continuous white line/broken white line	15,366	3,132	12,234
7	Driving without reasonable consideration	12,273	3,076	9,197
8	Entry to hatched marked area	5,492	1,154	4,338
9	Offence relating to Overtaking	4,351	1,175	3,176
10	Careless Driving	3,888	742	3,146
11	Fail to comply with traffic lane markings	3,394	528	2,866
12	Exceed road works speed limit	2,190	248	1,942
13	No safety belt rear seat - child	2,965	1,151	1,814
14	No child restraint rear seat - child	2,045	692	1,353
15	Fail to comply with No Entry traffic sign	1,422	186	1,236
16	Fail to comply with mandatory traffic signs	1,368	154	1,214
17	Drive on hardshoulder/non carriageway - motorway	1,487	332	1,155
18	Fail to stop before stop sign/stop line	1,376	241	1,135
19	No safety belt front seat - child	1,382	439	943
20	Driving along/across median strip	917	178	739
21	No child restraint front seat - child	959	242	717
22	Fail to drive on the left hand side	710	107	603
23	No insurance - (user)	12,979	12,455	524
24	Fail to yield right of way	669	149	520
25	Breach of motorway outside lane driving rule	913	479	434
26	Fail to yield right of way at sign/line	487	101	386
27	Fail to stop for Garda	427	282	145
28	Driving on/across footway	164	44	120
29	Fail to turn left onto a roundabout	117	14	103
30	Fail to comply with Keep to Right/Left signs	113	20	93
31	Contravention of requirements at junctions	82	6	76
32	Driving on/across cycle track	64	8	56
33	General speed obligation - stop visible distance	80	24	56
34	Contravention of requirements for reversing	63	20	43
35	Breach of duties on occurrence of an accident	917	881	36
36	Dangerous Driving Reduced to Careless Driving	1,510	1,475	35
37	Fail to stop for school warden sign	41	7	34
38	Fail to act in accordance with Garda signal	39	6	33
39	Drive against flow of traffic on motorway	57	26	31
40	Fail to obey rules at railway level crossing	19	4	15
41	Use vehicle without nct certificate	120	108	12
42	Reduced to Driving without reasonable consideration	104	98	6
43	Driving a vehicle when unfit	4	4	0
44	Driving dangerously defective vehicle	2	2	0
45	No cert of road worthiness user	20	20	0
46	Parking a vehicle in a dangerous position	24	24	0

Figures are as of December 2009 and exclude points that have expired after 3 year period.

APPENDIX C – Irish & International Systems Comparison

Designates Irish offence is high in comparison with average
Designates Irish offence is low in comparison with average

IRISH SYSTEM				England & Wales	Northern Ireland	Victoria	Australia	Scotland	Austria	Denmark	Spain	France	Ontario Canada	New Zealand	Avg of those points allocated	Difference in Irish and average
	Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days												
1	Using vehicle (car) without test certificate (note comparison made with conviction points)	m*	5	Court Fine	0	0	0	0	0	0	0	0	0	0	0	5
2	Driving vehicle before remedying dangerous defect	m*	3	Court Fine	0	0	3	0	0	0	0	0	0	0	3	0
3	Driving dangerously defective vehicle (note comparison made with conviction points)	m*	5	Court Fine	3	3	0	3	0	0	0	0	0	0	3	2
4	Using vehicle without certificate of roadworthiness (note comparison made with conviction points)	m*	5	Court Fine	0	0	1	0	0	0	0	0	0	0	1	4
5	Bridge strikes, etc.	m*	3	Court Fine	0	0	0	0	0	0	0	0	0	0	0	3
6	Holding a mobile phone while driving	2	4	60	3	3	3	0	0	0	3	2	0	2	3	-1
7	Dangerous overtaking	2	5	80	0	3	2	0	0	4	4	3	2	4	3	-1
8	Failure to act in accordance with a Garda signal	1	3	80	0	3	0	0	0	0	0	0	2	0	3	-2
9	Failure to stop a vehicle before stop sign/stop line	2	4	80	3	0	0	3	4	0	4	4	2	2	3	-1
10	Failure to yield right of way at a yield sign/yield line	2	4	80	0	3	0	0	0	0	0	0	2	2	3	-1
11	Crossing continuous white line	2	4	80	3	0	3	3	0	4	0	3	0	4	3	-1
12	Entry by driver into hatched marked area of roadway, e.g. Carriageway reduction lane	1	3	80	0	0	3	0	0	0	0	1	2	0	2	-1
13	Failure to obey traffic lights	2	5	80	3	3	3	3	4	4	4	4	2	0	3	-1
14	Failure to obey traffic rules at railway level crossing	2	5	80	0	0	4	0	4	4	0	0	3	2	3	-1
15	Driving a vehicle on a motorway against the flow of traffic	2	4	90	0	3	3	0	0	4	0	4	2	0	3	-1
16	Driving on the hard shoulder on a motorway	1	3	80	0	3	0	0	4	4	0	3	0	0	4	-3

Designates Irish offence is high in comparison with average
Designates Irish offence is low in comparison with average

	IRISH SYSTEM													Avg of those points allocated	Difference in Irish and average		
		Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days	England & Wales	Northern Ireland	Victoria Australia	Scotland	Austria	Demark	Spain	France	Ontario Canada	New Zealand		
17	Driving a HGV (subject to an ordinary speed limit of 80 kms per hour or less) on the outside lane on a motorway or dual carriageway	1	3	80	0	0	0	0	0	0	0	0	0	0	0	0	1
18	Failure to drive on the left hand side of the road	1	3	60	3	0	2	0	0	0	0	3	0	2	2	-1	
19	Failure to obey requirements at junctions, e.g. Not being in the correct lane when turning onto another road	1	3	60	0	0	0	0	0	0	0	0	0	0	0	1	
20	Failure to obey requirements regarding reversing of vehicles, e.g. Reversing from minor road onto main road	1	3	60	0	0	0	0	0	0	0	0	0	0	0	1	
21	Driving on a footpath	1	3	60	0	0	0	0	0	0	0	0	0	0	0	1	
22	Driving on a cycle track	1	3	60	0	0	0	0	0	0	0	4	0	0	4	-3	
23	Failure to turn left when entering a roundabout	1	3	60	0	0	0	0	0	0	0	0	0	0	0	1	
24	Driving on a median strip, e.g. Boundary between two carriageways	1	3	60	0	3	0	0	0	0	0	0	0	0	3	-2	
25	Failure to stop for school warden sign	1	4	80	3	0	0	3	0	0	0	0	0	2	3	-2	
26	Failure to stop when so required by a member of the Garda Síochána	2	5	80	3	3	0	0	0	0	0	4	6	6	4	-1	
27	Failure to leave appropriate distance between you and the vehicle in front	2	4	80	6	0	1	0	4	4	3	3	3	2	3	-1	
28	Failure to yield	2	4	80	0	0	3	0	0	0	0	0	0	0	1	1	
29	Driving without reasonable consideration	2	4	80	3	0	0	3-9	0	4	4	0	2	4	4	-2	

Designates Irish offence is high in comparison with average
Designates Irish offence is low in comparison with average

IRISH SYSTEM				England & Wales	Northern Ireland	Victoria	Australia	Scotland	Austria	Denmark	Spain	France	Ontario Canada	New Zealand	Avg of those points allocated	Difference in Irish and average
Offences incurring penalty points	Penalty points on payment	Penalty points on conviction	Amount paid in 28 days													
30 Failure to comply with mandatory traffic signs at junctions	1	3	60	0	0	0	0	0	0	0	0	0	0	0	0	1
31 Failure to comply with prohibitory traffic signs	1	3	60	0	0	0	3	0	0	3	0	0	0	0	3	-2
32 Failure to comply with keep left/keep right signs	1	3	60	3	0	0	3	0	0	0	0	0	0	0	3	-2
33 Failure to comply with traffic lane markings	1	3	60	0	0	0	0	0	0	0	0	0	0	0	0	1
34 Illegal entry onto a one-way street	1	3	60	0	0	0	0	0	0	0	0	4	0	0	4	-3
35 Driving a vehicle when unfit	m*	3	Court Fine	0	0	0	0	0	0	0	0	0	0	0	0	0
36 Parking a vehicle in a dangerous position	m*	5	Court Fine	0	3	0	3	0	0	2	3	0	0	3	2	2
37 Breach of duties at an accident	m*	5	Court Fine	5	0	0	5-10	0	0	0	0	0	6	0	6	-1
38 Speeding	2	4	80	3	3	2-8	3-6	0	4	4	3	3	4	4	4	-2
39 Driving without insurance	m*	5	Court Fine	3-8	6	0	7	0	0	0	0	0	0	7	7	-2
40 Failure by Driver to comply with front seat belt requirements	2	4	60	0	3	3	0	4	0	3	3	2	0	3	3	-1
41 Failure by Driver to comply with rear seat belt requirements for passengers under 17 years	2	4	60	0	3	0	0	0	4	0	0	2	0	3	3	-1
42 Driver found to be driving carelessly (incs dangerous driving reduced to careless driving)	m*	5	Court Fine	3	0	3	0	0	0	6	0	5	0	4	4	1
43 Drink Driving - 50mg to 80mg	3	200		3-11*	0	10	0	4	0	5	6	0	0	7	4	-4

APPENDIX D – International Offences not used in Ireland

ENGLAND & WALES

Disqualified Driver

3 BA10	Driving whilst disqualified by order of court.....	6
4 BA30	Attempting to drive while disqualified by order of court.....	6

Careless Driving

8 CD40	Causing death through careless driving when unfit through drink.....	3	11
9 CD50	Causing death by careless driving when unfit through drugs.....	3	11
10 CD60	Causing death by careless driving with alcohol level above the limit.....	3	11
11 CD70	Causing death by careless driving then failing to supply a specimen for analysis.....	3	11
12 CD80	Causing death by careless or inconsiderate driving	3	11
13 CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3	11

Construction & Use Offences

11 CU50	Causing or likely to cause danger by reason of load or passengers.....	3
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Reckless/Dangerous Driving

13 DD40	Dangerous Driving.....	3-11*
14 DD60	Manslaughter or culpable homicide while driving a vehicle.....	3-11*
15 DD80	Causing death by dangerous driving.....	3-11*
16 DD90	Furious driving	3

* where the court chooses not to disqualify as a result of special reasons

Drink or Drugs

19 DR30	Driving or attempting to drive then failing to supply a specimen for analysis.....	3-11*
22 DR60	Failure to provide a specimen for analysis in circumstances other than driving or	10
23 DR70	Failing to provide specimen for breath test.....	4
24 DR80	Driving or attempting to drive when unfit through drugs.....	3-11
25 DR90	In charge of a vehicle when unfit through drugs.....	10

* where the court chooses not to disqualify as a result of special reasons

Licence Offences

27 LC20	Driving otherwise than in accordance with a licence.....	3	6
28 LC30	Driving after making a false declaration about fitness when applying for a	3	6
29 LC40	Driving a vehicle having failed to notify a disability.....	3	6
30 LC50	Driving after a licence has been revoked or refused on medical grounds.....	3	6

Miscellaneous Offences

32 MS20	Unlawful pillion riding.....	3
33 MS30	Play street offences.....	2
34 MS40	Driving with uncorrected defective eyesight or refusing to submit to a test.....	3
35 MS50	Motor racing on the highway.....	3
36 MS60	Offences not covered by other codes.....	As Appropriate
37 MS70	Driving with uncorrected defective eyesight.....	3
38 MS80	Refusing to submit to an eyesight test.....	3
39 MS90	Failure to give information as to identity of driver etc.....	6

Motorway Offences

40 MW10	Contravention of Special Roads Regulations (excluding speed limits).....	3
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Pedestrian Crossings

41 PC10	Undefined Contravention of Pedestrian Crossing Regulations	3
42 PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle.....	3
43 PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle.....	3

Special Code

57 TT99	To signify a disqualification under totting-up procedure. If the total of penalty points	
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Theft or Unauthorised Taking

59 UT50	Aggravated taking of a vehicle.....	3-11*
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* where the court chooses not to disqualify as a result of special reasons

SCOTLAND

Disqualified Driver		
BA10	Driving whilst disqualified by order of court.....	6
BA30	Attempting to drive while disqualified by order of court.....	6
Careless Driving		
CD40	Causing death through careless driving when unfit through drink.....	3-11
CD50	Causing death by careless driving when unfit through drugs.....	3-11
CD60	Causing death by careless driving with alcohol level above the limit.....	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis.....	3-11
Construction & Use Offences		
CU50	Causing or likely to cause danger by reason of load or passengers.	3
Licence Offences		
LC20	Driving otherwise than in accordance with a licence.....	3-6
LC30	Driving after making a false declaration about fitness when applying for a	3-6
LC40	Driving a vehicle having failed to notify a disability.....	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds.....	3-6
Miscellaneous Offences		
MS20	Unlawful pillion riding.....	3
MS30	Play street offences.....	2
MS40	Driving with uncorrected defective eyesight or refusing to submit to a	3
MS50	Motor racing on the highway.....	3-11
MS60	Offences not covered by other codes.....	As Appropriate
MS70	Driving with uncorrected defective eyesight.....	3
MS80	Refusing to submit to an eyesight test.....	3
MS90	Failure to give information as to identity of driver etc.....	6
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits).....	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulations.....	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle..	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle.....	3
Special Code		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle.....	3-11

AUSTRIA

1	Endangering of pedestrians at crossings Additional fine from € 72 to € 2180.	4
6	Infringement of the regulation (Verordnung) concerning the transportation of dangerous goods while driving in motorway tunnels as well as the non-observance of the driving ban for motor vehicles carrying dangerous goods in tunnels. Additional fine up to € 726	4
7	Initial start-up of a vehicle with obvious technical deficiencies or unsecured load. The driver of a motor vehicle and/or a trailer has to assure himself, that the motor	4

DENMARK

9	■ Increase speed when you are being overtaken	4
13	■ Change direction or position in a way dangerous for other road-users	4
14	■ Drive to the left of a traffic island	4
15	■ Race with other vehicles	4
17	■ Drive with passengers under 15 years on a motorcycle in violation against the	4

Note 1 point factored Up to 4 for comparison

VICTORIA AUSTRALIA

7	Drive fatigue regulated heavy vehicle in contravention of maximum work requirement - critical risk offence	4
8	Drive fatigue regulated heavy vehicle in contravention of minimum rest requirement - critical risk offence	4
12	Ride motorcycle without wearing a helmet or improperly carrying a pillion/sidecar passenger	3
15	Drive with a passenger in or on a part of a vehicle not designed for passengers	3
19	Risk colliding with alighting, boarding or waiting tram passengers	3
20	Drive fatigue regulated heavy vehicle while impaired by fatigue	3
21	Drive fatigue regulated heavy vehicle in contravention of maximum work requirement - severe risk offence	3
22	Drive fatigue regulated heavy vehicle in contravention of minimum rest requirement severe risk offence	3
26	Drive a probationary prohibited vehicle (probationary drivers)	3
27	Fail to display P plates	3
28	Disobey passenger restrictions (probationary drivers)	3
29	Ride a motorcycle other than a learner approved motorcycle contrary to licence requirements	3
30	Ride a motorcycle contrary to a pillion passenger condition	3
31	Drive without a properly attached and/or displayed number plate	3
33	Turn or stop without signalling	2
34	Turn improperly	2
38	Fail to dip headlights	1
39	Drive at night or in hazardous weather conditions without appropriate lights on	1

NORTHERN IRELAND

5008087	Driving classified vehicle on special road	Y	3
5008237	Carrying unauthorised passenger on motorbicycle	Y	3
5008286	Driving on a Buslane on Motorway	Y	3
5010007	No L Plates displayed	Y	3
5010009	Unaccompanied 'L' Driver	Y	3
5010010	'L' Driver carrying passenger on motorcycle	Y	3
5010011	'L' Driver carrying unauthorised passenger on motorcycle	Y	3
5010012	'L' Driver Towing a Trailer	Y	3
5010015	No 'R' Plates Displayed	Y	2
5013067	Driver unable to have proper control of vehicle	Y	3
5013075	Failing to Set Handbrake	Y	3
5013091	Tyres insufficient to support axle weight	Y	3
5013126	Exceeding height limit of semi-trailer	Y	3
5013273	Driver does not have Proper Control of Vehicle	Y	3
5013274	Driver does not have Full View of Road and Traffic Ahead	Y	3

NEW ZEALAND

General description of offence	
Using in a motor vehicle equipment that interferes with operation of speed measuring device	3
Possessing in a motor vehicle equipment that is designed to interfere with operation of speed measuring device	3
Exceed speed for stopping distance on road not marked in lanes	2.4
Drives motor vehicle contrary to the GDLS conditions of his or her driver licence (excluding the requirement to display L plates)	4.2
Failure to display L plate as required	3
Drives a motor vehicle contrary to the non-GDLS conditions of his or her driver licence	3
Operating motor vehicle by driving or using it on road without displaying the appropriate current registration plates and vehicle licence label	2.4
Use of unauthorised, deceptive, or obscured plates	3
Failure to operate a motor vehicle with an exhaust system that complies with relevant noise output standards	3
Operate vehicle that creates excessive noise	3
Create excessive noise within or on vehicle	3
Failure or refusal to remain for evidential breath test or blood test	6
Failure or refusal to wait for the result of a breath screening test or an evidential breath test	6
Driving or attempting to drive when forbidden by an enforcement officer	4.2
Failure or refusal to accompany an enforcement officer when so required	6
Person produces logbook with 1–5 omissions	1.2
Person produces logbook with 6–10 omissions	2.4
Person produces logbook with 11 or more omissions	3.6
Person fails to produce logbook	4.2
Requirement to produce approved alternative record to an enforcement officer on demand	4.2
Vehicle recovery service vehicles (requirement to complete and retain tow authorities)	4.2
Requirement on driver or contractor working within an alternative fatigue management scheme to keep records	4.2
Taxi driver must not accept hire in specified area unless taxi is fitted with an in-vehicle security camera system that is operating	2.4
Taxi driver must not accept hire in specified area unless taxi is fitted with an in-vehicle security camera system that has an unobscured view of the interior	2.4
Drive or ride all terrain vehicle, motorcycle, or moped without securely fastened approved helmet	3
Drive or ride all terrain vehicle, motorcycle, or moped with damaged, etc, safety helmet	3
Driver fails to give way at pedestrian crossing	4.2
Driver enters pedestrian crossing when passage blocked	4.2
Driver of vehicle fails to give way to pedestrian on shared zone	4.2
Passing at school crossing point or pedestrian crossing	2.4
Fail to allow impeded traffic to pass	2.4
Impeding vehicle when passing	4.2
Driver of vehicle changing lanes or turning fails to give way to vehicle not changing lanes or turning	2.4
Driver of left-turning vehicle fails to give way to an approaching right-turning vehicle	2.4
Driver at intersection fails to give way to vehicle approaching from right	2.4
Driver fails to give way to road user on footpath when entering/exiting driveway	2.4
Driver entering roundabout fails to give way	2.4
Driver permits riding dangerously	2.4

SPAIN

Stopping or parking on bus lanes or in areas where paint on the road designates no stopping or parking.

2

Using radar speed camera detectors (that sense up radar beams), but not the GPS navigation systems that advise the location of cameras.

2

Driving without lights when they are necessary in poor visibility or for example on a three lane road where the centre lane is used for overtaking.

2

Riding a motorbike or moped with a passenger under the age of twelve.

2

Driving on motorways or highways with vehicles that are forbidden access.

4

Driving a vehicle with 50% or more passengers than the maximum allowed for its category, except buses and coaches.

4

Driving a vehicle without a licence for its category.

4

Throwing objects on the road or nearby areas that may cause a fire or accidents.

4

Accelerating or carrying out other manoeuvres that hinder overtaking vehicles.

4

Driving under the influence of drugs, stimulants and similar substances.

6

Refusing to undergo tests for alcohol, drugs, stimulants and other substances.

6

FRANCE

Causing death by dangerous driving

6

Causing serious injury by careless driving

6

Driving under the influence of drugs/Failing to co-operate with preliminary test

6

Driving whilst disqualified

6

Hit and run

6

Driving with false registration

6

Perturbing or obstructing traffic

6

Driving without respecting driving licence requirements and restrictions

3

Driving with TV - or TV monitor - set in field of vision

2

Failing to give way

4

Driving at night or in dark surroundings with lights off

4

Accelerating while being overtaken

2

Not wearing an helmet on two wheeler

3

Failing to give way when entering a Highway

4

Stopping or parking at night or in dark surroundings without lighting

3

Turning suddenly without prior warning

3

ONTARIO CANADA

Racing	4.8
Failing to stop for a school bus	4.8
Failing to report a collision to a police officer	2.4
Crowding the driver's seat	2.4
Driving or operating a vehicle on a closed road	2.4
Failing to slow and carefully pass a stopped emergency vehicle	2.4
Improper driving when road is divided into lanes	2.4
Going the wrong way on a one-way road	2.4
Failing to move, where possible, into another lane when passing a stopped emergency vehicle	2.4
Improper use of high occupancy vehicle lane	2.4
Improper opening of a vehicle door	2.4
Towing people — on toboggans, bicycles, skis, etc.	1.6
Failing to stop at a pedestrian crossing	1.6
Improper right turn	1.6
Failing to signal	1.6
Failing to lower headlamp beams	1.6
Prohibited turns	1.6
Improper left turn	1.6
Unnecessary slow driving	1.6
Backing on a highway	1.6